

IN THE COURT OF SESSIONS AT YAVATMAL

S.T. No.104/2022

CNR No.MHYA010018672022

State Vs. Devidas Rathod

Order Below Exh.5

[Passed on 19th day of June 2023]

[Dictated and Pronounced in Open Court]

1. The present application is preferred by applicant/accused for regular bail in Crime No.176/2022, registered in P. S. Ner, Distt. Yavatmal u/s. 302, 324 of the Indian Penal Code on the ground that the applicant is behind bars since 02/05/2022. Prima facie there is no evidence disclosing involvement of accused in the murder of deceased. There is no eye witness. Above all there is no idea when trial would conclude and accused is ready to abide each and every condition.
2. The prosecution objected the application by filing say vide Exh.6 on the ground that the offence is serious one there are three eye witnesses including informant showing connection of applicant with the alleged incident and if accused is released on bail he will tamper the evidence.
3. Heard learned advocate Mr H. D. Deshmukh for applicant/accused and learned A.P.P. Mr N. N. Pande, for prosecution at length.
4. On perusal of bail application, say of prosecution, charge-sheet and after considering over all submissions of both side advocates the following points arise for determination of this

Court, on which the Court answer thereon with reasons as follows :

Sr. No.	Points	Findings
1.	Whether the applicant prove case for his release on bail in Crime No.176/2022, under Section 302, 324 of the Indian Penal Code, registered by Ner Police Station, Distt. Yavatmal ?	:: In the affirmative subject to conditions.
2.	What order ?	:: As per final order.

REASONS

As to point No.1 :-

5. The applicant came with a case that he is behind bars since 02/05/2022 till today. There is no guarantee when trial will commence, no evidence against the accused and he is ready to abide each and every condition.
6. It is admitted position that the deceased was died due to blow of stick on her head. It is also admitted position that property in the present case is not received in spite of repeated correspondence made. It is also admitted that the accused is behind bars since 02/05/2022.
7. On perusal of roznama it is observed that charge was framed against the accused on 28/02/2023 and in spite of sufficient opportunity provided, prosecution could not produce property in the Court. It is also observed that there is no guarantee when the trial will commence and end. So also fear of prosecution of tampering of evidence can be satisfy by way of

imposing condition, due to which the applicant is entitled for release on bail but subject to condition. Hence, Court **answer point No.1 in affirmative subject to conditions put by the Court.**

As to point No.2 :-

8. As the Court concluded that due to probable delay in commencement of trial and fear of prosecution of tampering of evidence which can be answered by way of certain directions, so that the applicant required to be released on execution of bond of Rs.50,000/ (Rs. Fifty thousand) with one solvent surety, on conditions that he shall not contact any of the witnesses by any means and shall not tamper them, till conclusion of trial, he shall not enter in the vicinity of area of residence of informant and other connecting witnesses till conclusion of trial, applicant shall furnish updated addresses and mobile numbers of two close relatives excluding family members, and shall furnish his permanent and temporary addresses with documentary proof and shall inform the court in respect of change of his address, while releasing on bail in the interest of justice. Hence the order :

ORDER

- 1) The application is allowed.
- 2) The applicant/accused Devidas Pralhad Rathod, be released on bail in Crime No.176/2022, registered in Ner, Police Station, Ta. Ner, Distt. Yavatmal under Section 324, 302 of the Indian Penal Code on executing Bond of Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety in the like amount on following conditions :-

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- a) The applicant/accused shall not contact any of the witnesses by any means and shall not tamper evidence of prosecution.
- b) The applicant shall not enter in the vicinity of area of residence of informant and other connecting witnesses till conclusion of trial.
- c) The applicant/accused shall furnish updated addresses and mobile numbers of two close relatives excluding family members.
- d) The applicant/accused shall furnish his permanent and temporary addresses with documentary proof and shall inform the court in respect of change of his address.
- (e) The breach of any of the condition will lead to ground for cancellation of bail.

Accordingly, application is disposed off.

Dated :19/06/2023.

(S.V. Hande)
Sessions Judge, Yavatmal.
JO Code MH02237