



RCC No. 342/ 2021
State Vs. Khim Thapa
& Other.
MHYA050043112021

ORDER BELOW EXH. 92

(13.09.2023)

Accused no.1, Khim Bahadur Thapa, filed this application for regular bail under section 437 of the Code of Criminal Procedure, 1973 (For short “the Cr.P.C.”)

2. Perused the application, say filed by A.P.P. and the documents on record. Heard advocate for accused no. 01 and the A.P.P.

3. On perusal of record it appears that accused are facing trial for the offence punishable under section 420, 467, 468, 471, 472 r/w 34 of I.P.C. Accused persons were Under Trial Prisoners. Both were behind bars since 27.08.2021. In this case I have examined thirteen witnesses till today. On 17.07.2023 accused no. 02, Shailendra Joshi, released on bail by passing order below Exh. 80.

04. Meanwhile the informant, Dilip Raje, filed an application (Exh. 74) as per section 319 of the Cr.P.C to add Mrs. Merlyn Gamibian as an accused. The application (Exh. 74) is allowed and summon issued to Mrs. Merlyn Gamibian, R/o 73, 05th Cros, Ramaiah Layout, Banglore, Karnataka. Accused no. 01 behind bars more than two years. Now it would take time to serve the summon to Mrs. Merlyn Gamibian and the legal procedure thereafter. Hence the trial will prolong for uncertain period.

05. Now the circumstances are changed as the application (Exh. 74) is allowed. Therefore, under such changed circumstances, it is not proper to keep accused no. 01 behind bars further more. Hence, the following order.

ORDER

1. Application is allowed.
2. Accused no.1, Khim Bahadur Thapa, is released on bail on furnishing personal bond of Rs.50,000/- along with one surety in the like amount.
3. Inform accordingly.

Place: Pusad
Date: 13.09.2023

(Govind S. Varpe)
5th Jt. CJJD and JMFC, Pusad.