



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
GONDIA.**

MISC. CRIMINAL BAIL APPLICATION NO.382/2022.
CNR No.MHGO010013832022.

LILARAM SONKAR VS. THE STATE OF MAH.

ORDER BELOW EXH.1.
(Passed on 2nd December, 2022)

The applicant/accused by name **Lilaram S/o Bisal Sonkar** by this application under Section 439 of the Code of Criminal Procedure prays for regular bail in Crime No.181 of 2022 registered with Chichgarh Police Station, District Gondia under Sections 392 and 395 read with Section 34 of The Indian Penal Code, 1860. The applicant has not filed any other bail application, except this bail application before this or any other Court for same relief.

2. Perused the application and say filed by Investigating Officer at Exh.5 and say filed by Learned PP at Exh.6.

3. From the contents of FIR, it reveals that, on 29/06/2022, Deoraj Narsinhya Gunnewar-informant lodged report against unknown persons at concerned Police Station which had been taken place on 28/06/2022 at about 7:00 p.m. on Wadekasa

to Ganutola road. From the allegations in FIR, it further reveals that, on 28/06/2022 at about 7:00 pm, informant and Muneshwar Lamkase were proceeding in an Innova. There were cash of Rs.5,10,000/- with informant which was collected from country liquor shop. When their vehicle was near nallah, informant noticed that, one silver colour Swift was standing there. Three to four persons were also standing there. When the vehicle of informant was passing from Wadekasa and proceeding to Ganutola, suddenly silver colour Swift car overtake the vehicle of informant. Three persons got down from the said Swift car, driver was sitting in a Swift car, the persons got down from Swift car, asked about collected money. When informant got down from the Innova three persons robbed the cash from Innova. Due to the dark, informant could not notice the unknown persons as well as full number of silver colour Swift car. Hence, complaint.

4. From the contents of application, it reveals that, there is delay of one day in lodging the FIR. Charge-sheet has been submitted. As per charge-sheet, amount of Rs.60,000/-, one mobile, Swift vehicle were shown to be recovered from applicant. Applicant is falsely implicated. He is ready to abide any condition, if so imposed on him and will not misuse his liberty. Co-accused has been released on bail.

5. From the say of Learned PP at Exh.6, it reveals that, there is ample evidence against present applicant. Some of the accused are yet absconding. If applicant/accused is released on

bail, then possibility cannot be ruled out that he will repeat similar kind of offence.

6. From the say of Investigating Officer at Exh.5, it reveals that, one Swift, amount of Rs.60,000/-, mobile were seized from applicant. Applicant is resident of Chhatisgarh State. He and other co-accused by name Mahendra Sonboir are conspirators. Yet, 03 accused are absconding. They are from Bihar.

7. Heard Learned advocate for applicant/accused. It is vehemently argued by Learned advocate for applicant/accused that, investigation has been completed. Applicant cannot be kept behind bar on a count that some of the accused are absconding. Applicant/Accused is ready to abide any condition, if so imposed on him and will not misuse his liberty in any manner. Per contra, it is vehemently argued by Learned PP that, there is ample evidence against applicant. If he is released on bail, possibility cannot be ruled out that he will repeat similar kind of offence.

8. I have gone through the record and charge-sheet. From the record, it reveals that, yet 03 accused are absconding. From the record, it further reveals that, during investigation mobile of Vivo Company, amount of Rs.60,000/- and one Swift vehicle was seized from present applicant. From the record, it further reveals that, during identification parade, present applicant was identified by witness.

9. On perusal of documents filed by applicant at Exh.8/1,

it reveals that, he is owner of Sonkar Servicing Centre situated at Raipur. One photocopy of bank account is filed at Exh.8/2. However, same is not readable.

10. Necessary to mention here that, charge-sheet has been submitted against present applicant, Mahendra Sonboir and Chandrashekhar Ravat. Sessions Case number is 131/2022. True that, yet some of the accused are absconding and they are resident of another State. However, in my mind, necessary to mention here that, the investigation at least to the extent of present applicant has been completed. Since 16/07/2022, present applicant is behind bar. Neither record nor say of Investigating Officer or PP discloses that, applicant is having any antecedent. Definitely, some period is required for framing of the charge and commencement of trial. In my mind, applicant cannot be kept behind bar for uncertain period till absconding accused are traced out.

11. Also necessary to mention here that, order is passed in MCA No.280/2022 on 15/10/2022 and regular bail is granted to co-accused by name Mahendra Sonboir. The allegations against Mahendra and present applicant are similar in nature. In my mind, as regular bail has been granted to co-accused by name Mahendra, the principle of parity can be said to be applied.

12. No doubt, accused is resident of Raipur. However, to secure the presence of accused, in my mind, at the most the bail order of heavy amount can be passed.

13. Now charge-sheet has been submitted. Applicant is behind bar from 16/07/2022. Record not discloses that, applicant is having any antecedent. In my mind, no purpose would be suffice by keeping the applicant behind bar for uncertain period only on a count that yet some of the accused are absconding and with an assumption that if applicant is released on bail, there is possibility of commission of similar offence. In my mind, if some stringent conditions are imposed on applicant, that would suffice the purpose.

14. True that, mobile, cash of Rs.60,000/-, Swift vehicle is shown to be seized from the present applicant. Further true that, applicant is identified by witness. However, to prove the seizure and identification, evidence is necessary which will definitely take some time to commence the trial.

15. Considering the nature and seriousness of the offence, punishment provided for it, keeping in mind that charge-sheet has been submitted, applicant is behind bar from 16/07/2022, I proceed to pass following order.

ORDER

1. The application is allowed.
2. Applicant/Accused **Lilaram S/o Bisal Sonkar** be released on regular bail under Section 439 of the Code of Criminal Procedure in Crime No.181 of 2022 registered with Chichgarh Police Station, District Gondia under Sections 392 and 395 read with Section 34 of The Indian Penal Code,

1860, on executing P.B. of Rs.50,000/- with solvent surety in the like amount, on following conditions:

- (a) Applicant/Accused is directed not to misuse his liberty in any manner.
- (b) Applicant is further directed to attend the Court without fail.
- (c) Applicant shall not directly or indirectly make any inducement and/or influence and or pressurize or cause any threat or give any promise to anybody acquainted with the facts of accusations made against the applicant so as to dissuade such person from the disclosing such facts to the court or to the investigating agency and shall not tamper in any manner whatsoever with the prosecution evidence.

Date:02.12.2022.

(N. D. Khose)
Additional Sessions Judge,
Gondia.