

ORDER BELOW EXH.4 IN SESSIONS CASE NO.223/2022

(CNR NO.MHPU140035302022)

1] This is an application filed by applicant /accused Pravin Shivaji Pawar under section 439 of the Code of Criminal Procedure, seeking regular bail in Crime No.552/2021 registered with Daund Police Station for the offence punishable under sections 395 of the Indian Penal Code.

2] As per the story of prosecution, informant and her mother were slept in their home at that time 5 unknown persons were came in their bedroom and front door of the house by carrying iron rod, and broke open the latches and entered into the home. Then, he took the cash amount from cupboard and snatched the golden ornaments of her mother worth of Rs.62,000/-. They also stolen cash amount, golden ornaments and mobile from the house of witness Kishor Dhame worth of Rs.77,500/- and total stolen amount, ornaments and mobile worth of Rs.1,39,500/-. On these allegations informant lodged report at Daund Police Station.

3] It is the contention of the applicant / accused is that he has been falsely implicated in the present crime. There is no direct or circumstantial evidence against applicant. He has not committed any offence as alleged. There is no recovery at the hands of applicant. Investigation is completed and there is no necessity of further custodial interrogation of applicant / accused. He has no concerned with the alleged crime and he is totally innocent person. He is permanent resident of Dhalvadi, Tal. Karjat, Dist. Ahmednagar. He will not abscond if released on bail. If he is released on bail he will not tamper the prosecution witnesses and evidence. He is ready to abide by the conditions imposed by the Court. Lastly he prayed to release him on regular bail.

4] The investigating officer has opposed the application by filing say at Exh 05 on the ground that the offence is serious in nature. There was recovery of half tola gold earrings at the instance of present applicant / accused. The identification parade is yet to be conducted. Accused No.3, 4 and 5 are absconded from the date of commission of offence and if applicant / accused is released on bail, there will be problem to search them. If he is released on bail he will again commit similar type of offence and yet other muddemal property is required to be seized from present applicant / accused. It is thus prayed that the application seeking bail may be rejected.

5] Ld. A.P.P. also filed his say on the application itself and contended that the offence is serious in nature. There is recovery of half tola gold ornament from him. Accused No.3 to 5 are absconded from the date of commission of offence. If he is released on bail he will pressurize the prosecution witnesses and informant.

6] Heard both the sides at length. Perused the case papers.

7] I have gone through the case papers. It reveals that, the applicant / accused is arrested on 01.07.2022 and since then he is in jail. There is no identification parade conducted by investigating officer in the present matter till today. The investigation is completed and charge-sheet is already filed. Already recovery was made from the present applicant / accused. Merely registration of other crime registered against present applicant / accused is not a ground to reject the bail application. Apprehension of the prosecution is only that if the applicant / accused is released on bail he will again commit similar type of offence and will again abscond and will not be available for trial. Apprehension of the prosecution can be taken care by imposing certain stringent conditions.

8] Considering the facts and circumstances of the present matter, I am of the view that it will be just and proper to allow this application and to release him on regular bail by imposing some stringent conditions. Hence, the following order :-

ORDER

- 1] The bail application (Exh.4) is allowed.
- 2] Applicants / accused Pravin Shahaji Pawar be released on bail for the offence punishable under section 395 of the Indian Penal Code vide crime No.552/2021 registered with Daund Police Station, Baramati, on P.R. Bond of Rs.1,00,000/- with one solvent sureties in like amount, on the following conditions :-
 - a) Applicant / accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court.
 - b) The applicant / accused is directed to attend before Court on each and every date in time.
 - c) Applicant / accused shall not leave India without permission of the Court.
 - d) Applicant / accused shall furnish his permanent address and temporary address, if any, and his contact details to the investigating officer as well as Court.
 - e) Applicant / accused shall not change his residential address without prior intimation to the Investigation Officer as well as this Court.

Date: 16.11.2022

(S. S. Pallod)
Additional Sessions Judge,
Baramati.

CERTIFICATE

"I affirm that, the contents of this PDF file Judgment are same word for word as per original Judgment.

Name of Court : Shri. S.S.Pallod
Adhoc D.J.-1 & Addl. Sessions Judge, Baramati.

Name of Steno : P. K. Shirolkar (Stenographer-Grade I)

Date of Order : 16.11.2022

Order signed by P.O. on: 16.11.2022

Order uploaded on : 17.11.2022.