

ORDER BELOW EXH.1 IN CRI. BAIL APPLICATION NO.1213/2022

(CNR NO.MHPU140035272022)

1] This is second application filed by applicant/accused Mahesh Laxman Dhaigude under section 439 of the Code of Criminal Procedure, seeking regular bail in Crime No.286/2022 registered with Vadgaon Nimbalkar Police Station Tal. Baramati, Dist. Pune, for the offence punishable under sections 394, 397 of the Indian Penal Code and under Section 4(25) of Indian Arms Act.

2] As per the story of prosecution, on 26.07.2022 when informant was at her home at about 10.30 a.m. accused entered in the house of informant and closed the door and took sword from sack and hold the same on the neck of informant and threatened her to give money and ornaments from the house otherwise he will kill her and snatched two tolas gold ganthan from the neck of informant. When informant resisted him in attempting to commit robbery, he voluntarily causes hurt by sword to her. At the time of committing robbery or dacoity applicant / accused uses deadly weapon like sword and causes grievous hurt to informant on her right side thumb and ran away. Neighbouring persons caught hold him and took two tolas gold ganthan from his pocket. On these allegations informant lodged report at Vadgaon Nimbalkar Police Station.

3] It is the contention of the applicant that he has been falsely implicated in the present crime. The offence registered against him is totally on bogus, fabricated and concocted story. He has not committed any offence as alleged. He is permanent resident of Tardoli, Tal. Baramati. The investigation is completed and charge-sheet is already filed in the Court bearing R.C.C.No.448/2022. He is only earning

member of his family. 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. He is ready to furnish surety as per the directions of the Court. Lastly he prayed to release him on regular bail.

04. The prosecution has opposed the application by filing say at Exh 05 on the ground that the offence is serious in nature. Accused is resident of nearby village and if he is released on bail he will again make injuries to informant. If he is released on bail he will not appear before the Court for trial and will commit similar type of offence. It is thus prayed that the application seeking bail may be rejected.

05. Heard both the sides at length. Perused the case papers.

06. I have gone through the report produced by Ld. APP. The previous bail application is rejected on the ground that investigation is in progress and charge-sheet is yet to be filed. The golden ganthan of 2 tolas is already recovered on the spot. The weapons used in the commission of offence i.e. sword, motorcycle etc. are already seized. Accused is arrested on 26.07.2022 and since then he is in jail. The investigation is now completed and charge-sheet is already filed. Prosecution has not prayed for further custody for investigation. Apprehension of the prosecution is only that, if the accused is released on bail he will pressurize the prosecution witnesses and hamper / tamper prosecution evidence that can be taken care by imposing necessary conditions on accused. The commencement of trial will take its own time, till that time keeping applicant/accused behind bar is not justified. Therefore he needs to be released on bail by imposing certain stringent conditions. Hence, following order :-

ORDER

1. The bail application (Exh.1) is hereby allowed.
2. Applicant / accused Mahesh Laxman Dhaigude in Crime No.286/2022 registered with Vadgaon Nimbalkar Police Station, for the offence punishable under sections 394, 397 of the Indian Penal Code and under Section 4(25) of Indian Arms Act is released on his furnishing PB of Rs.15,000/- with one solvent surety in the like amount on following conditions -
 - (a) Applicant / accused shall fully cooperate with the Investigating Officer as and when required.
 - (b) Applicant / accused shall not tamper with the prosecution evidence or witnesses, nor shall abuse his liberty by indulging in alike offence.
 - (c) Applicant / accused shall not leave India without prior permission of the Court.
 - (d) Applicant / accused is hereby directed to provide his temporary as well as permanent address to the Court / Investigating Officer.
 - (e) Applicant / accused shall attend before Court on each and every date without fail.
3. Bail before Lower Court.

Date: 17.10.2022

(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 : 17.10.2022
Order signed by P.O. on: 17.10.2022
Order uploaded on : 18.10.2022.