

Dt. 09.05.2022
B.A. 322/2022
in R.A.
2491/2022

CORAM : H.H.J. SHRI. DEEPAK D. ALMALE, ADDITIONAL SESSIONS
JUDGE (C.R. NO. 45)

APP Soshte for State present.
Advocate Chate for applicant present.
Say filed by Ld. APP.

Order Below Bail Application No. 322/2022

Applicant/Accused *Bharat Laxman Munde* has moved present application for bail u/s. 167(2) of Code of Criminal Procedure on the ground of in-spite of expiry of 60 days period, investigation officer failed to present charge-sheet in the court therefore accused be released on default bail.

Application is objected by Ld. APP. by filing say overleaf application.

I heard argument advance on behalf of both the parties at length.

I have gone through the report filed by the concern clerk stating that as on today till 11.30 a.m. charge-sheet is not filed by the IO.

Perusal of record & proceeding vide R.A. No. 249/2022 in Cr. No. 13/2022, it is noticed that accused came to be arrested on 08/03/2022. Since then applicant/accused is in judicial custody. Upon calculation period of 60 days expires on 07/05/2022. Offence punishable u/s. 7 & 7-A of Prevention of Corruption Act are punishable below 7 years of imprisonment. So the IO was under obligation to file the charge-sheet within period of 60 days i.e. on or before 07/05/2022. However, perusal of report filed by the concern clerk, it appears that till today charge-sheet is not filed by the IO.

As Investigation Officer failed to present the charge-sheet within the stipulated period of 60 days therefore applicant/accused is entitled for default bail in view of Sec. 167 (2) of Code of Criminal Procedure. Hence following order is passed :-

ORDER

1. Bail Application No. 322/2022 is allowed.
2. Applicant/Accused *Bharat Laxman Munde* be released on bail in connection with Cr. No. 13/2022 on execution of PB & SB of Rs. 25,000/- with condition that he shall assist to the IO and shall appear before IO as and when required.
3. Accused shall not direct and indirect cause any threat, promise or inducement to the prosecution witnesses.
4. Copy of order be forwarded to the ACP (ACB) Gr. Bombay for taking appropriate action against the IO.

Dt. 09.05.2022
B.A. 322/2022

**in R.A.
2491/2022**

5. Registrar (S) to accept cash surety amount after treasury hours.

6. Bail Application No. 322/2022 is disposed of

Exh-2 Advocate of accused filed application for provisional cash bail. O-Call say of APP.

Exh-2

ORDER

Read the say filed by Ld. APP. Heard both sides. Considering the reason mentioned in the application, applicant/accused be released on provisional cash bail of Rs. 25,000/- with condition that he shall furnish surety on or before 06/06/2022. **Application Exh-2 is disposed of.**