

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 135 OF 2022

{Dnyaneshwar alias Jay Walmik Bharud vs. The State of Maharashtra
through Mumbai Naka Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicant-accused in crime No. 266 of 2021 registered with Mumbai Naka Police Station, Nashik for the offences punishable under sections 408 and 406 read with 34 of the IPC.

02] The applicant contended that false and fabricated case is registered against him. He is permanent resident of the address mentioned in the application. His family is dependent on him. He was under training of accused Yogesh and was acting on his instruction. Some amount was transferred to his account and he transferred it to the account of other accused. He is not the master mind of the crime. He has cooperated in the investigation. He is ready to abide by any conditions imposed by the court. So, he has prayed for grant of bail.

03] learned APP has filed say at Ex. 04 and I. O. has also filed say at Ex. 05. They have stated that the offence is of serious nature. Both the accused have misappropriated huge amount of the hospital. The amount of misappropriation was transferred to his account. The offence is committed with common intention of both the accused. Accused has no permanent place of abode. If he is released on bail, he will threat the prosecution witnesses. Hence, they have prayed for rejection of bail.

04] Heard the learned counsel for accused and learned APP. They have argued as per their stand taken.

05] I have gone through application, say, arguments, documents, police papers. There is prima-facie case against both the accused. His previous anticipatory bail was rejected by this court. Bail of accused no. 1 was rejected by Additional Sessions Judge, Nashik on 18.01.2022. The present accused is in Jail from 11.01.2022. Now, the

investigation is completed and charge sheet is filed. It is transpired that the main role in the misappropriation is of accused no. 1. The accused no. 2 was acting under the instruction of accused no. 1. The amount of misappropriation is to be recovered from accused no. 1. The accused no. 2 has no criminal antecedent. Looking to his role, he is entitled for conditional bail. Hence, the following order :

ORDER

- 01] Application is allowed.
- 02] Accused namely Dnyaneshwar alias Jay Walmik Bharud be released on bail on executing personal bond of Rs. 25,000/- with Solvent surety in the likewise amount each in crime No. 266 of 2021 registered with Mumbai Naka Police Station, Nashik for the offences punishable under sections 408 and 406 read with 34 of the IPC.
- 03] The accused shall attend police station, as and when his attendance is required by the I. O.
- 04] He 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 him from disclosing such facts to the court or to any police officer to tamper with the evidence.
- 05] He shall not tamper the prosecution evidence in any manner.
- 06] He shall not leave India without permission of this court.
- 07] He shall not commit similar type of offence.
- 08] He shall furnish his detailed address with proof and his mobile numbers.
- 09] Bail before concerned court of Judicial Magistrate First Class.

Date : 03.02.2022

(R. R. Rathi)
Additional Sessions Judge-5,
Nashik.

