

Order below Exh.1
in Cri. Bail Application No.163/2022.
(Harischandra Kacharu Sheware Vs State)

The present bail application is moved by the applicant-accused Harishchandra Kacharu Sheware under section 439 of the Criminal Procedure Code for grant of bail in connection with CR No.145/2019 registered with Vani Police Station for the offence under section 394,395,324,323,504 r.w.s.34 of the Indian Penal Code on 19.10.2019.

2. It is stated in the application that the applicant-accused was arrested on 13.11.2019 since then he is in jail. It is stated that charge-sheet is already filed in the JMFC Court, Dindori. Applicant-accused is local resident of Dindori. No prima-facie case is made out against this applicant-accused, these and other grounds set out in the application, he prayed to release the applicant-accused on bail.

3. Application is opposed by the State. I.O. submitted his report stating that applicant-accused is also facing charges in CR No.145/2019, 70/2018 registered with Vani Police Station and CR No.182/2019 is registered with Dindori police station. They are in respect of the offence under section 324,323,398,394,504,506,392, 394, 395 of IPC and section 3/25 of Arms Act. Therefore, prayed to reject the application.

4. Perused the record. Heard, both the parties.

5. It appears that I.O. has admitted that charge-sheet is already filed on 10.2.2020 bearing RCC No.42/2020 in the JMFC Court, Dindori. It also appears that applicant-accused is languishing in

jail since 13.11.2019 thus more than 2 years have elapsed, the the charge-sheet could not be committed to this court. It is stated by learned counsel Shri. Y.D. Ugale for applicant-accused at bar that, in the said case accused No.5 is languishing in jail in another crime in Lajpot Dist. Surat, Gujarat State. However, efforts are been made to secure the presence of accused No.5 by the learned JMFC. So far as accused No.3 and 4 are concerned, they are on bail, however, they are not attending the court and therefore, learned JMFC has issued NBW against them to secure their presence.

6. Thus, on the background of this situation, it will take time to learned JMFC Court to secure the presence of accused who are on bail and to commit the case to this court appeared from the charge-sheet. The charge-sheet is already filed on 10.2.2020 before the learned JMFC Court, Dindori. More than 2 years have been passed and the learned JMFC could not secure the presence of accused and could not commit the same. Therefore, in view of situation, no purpose will be served by keeping the applicant-accused in jail, even he facing charge under section 394, 395 of IPC. Fact of the case are that accused facing charge that they have committed dacoity in respect of an amount of Rs.800/- in cash and forcibly taken into possession of Maruti Car and laptop, two mobile phone, however, from the police report it appears that car is already recovered by the police. Therefore, in view of above situation, applicant-accused is entitled for bail on certain conditions. Hence, following order is passed.

ORDER

1. Application is allowed.
2. Applicant-accused Harishchandra Kacharu Sheware in connection with CR No.145/2019 registered with Vani Police

Station for the offence under section 394,395,324,323,504 r.w.s.34 of the Indian Penal Code, be released on bail on executing bond of Rs.25,000/- with one or two surety in like amount.

3. He shall not abscond or tamper with the witnesses.
4. He shall furnish his address proof aadhar card of his two near relatives alongwith mobile numbers.
5. He shall attend the court on every date and co-operate during trial.
6. In the event of breach of any of the conditions, their bail bonds shall be liable to be cancelled.
7. Inform lower court to commit the case by securing the presence of other accused as early as possible.
8. Bail in lower Court.

Date-18.02.2022

(M. A. Shinde)
Additional Sessions Judge-8,
Nashik.