



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

929 CRIMINAL APPLICATION NO. 3957 OF 2024

**BHARAT ANKUSH ANARASE
VERSUS
THE STATE OF MAHARASHTRA**

...

Mr. Anirudh Rajendra Hange, Advocate for Applicant
Mr. V. M. Chate, APP for Respondent-State
Mr. M. D. Shinde, Advocate for Assist to APP

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CORAM : Y. G. KHOBRAGADE, J.

DATED : 06/12/2024.

P. C. :

1. Heard the learned counsel appearing for the applicant/accused, the learned APP and learned counsel assisting the APP at length.

2. By the present application, the applicant seeks releasing him on bail in Crime No.59 of 2023 (after filing charge-sheet as RCC No.162 of 2024) pending on the file of the learned Judicial Magistrate (First Class), Ashti, District Beed.

3. It is a matter of record that initially the present applicant / accused came to be arrested on 08/03/2023 in connection with Crime No.59 of 2023 registered with Ashti Police Station for the offence punishable under Sections 420, 406, 409 and 419 of IPC. Since the investigating officer failed to file charge-sheet within the

prescribed period, therefore, on 07/06/2023 the learned Judicial Magistrate (First Class), Ashti passed an order and released the applicant / accused by granting default bail under Section 167(2) of Cr.P.C. on condition that the applicant / accused shall not tamper the prosecution evidence and he shall cooperate with the investigating officer. So also he shall not leave the jurisdiction of Maharashtra without permission of the court.

4. However, subsequently on 30/04/2024 the informant Navnath Pandurang Anarase lodged NCR No.0294 of 2024 on 04/05/2024 alleging that on 03/05/2024 when he was proceeding to his village by road and reached near Mandava at about 6.00 p.m., at that time the applicant / accused visited him and gave threat to withdraw the case against him, failing which he would finish his life.

5. Thereafter, the informant moved an application before the learned Judicial Magistrate (First Class), Ashti and prayed for cancellation of bail because of breach of condition of the bail. Accordingly, on 26/07/2024 the learned Judicial Magistrate (First Class), Ashti passed the impugned order and cancelled the bail and taken custody of the accused and remanded him in MCR.

6. It is a matter of record that the charges are already framed and the prosecution examined the informant PW-1 and as such, the present applicant / accused was enlarged on default bail, hence custody of applicant / accused is not required for any interrogation. Therefore, though the learned APP resisted the bail on ground that there is every possibility that the applicant / accused may give threat to other witnesses. Hence, prayed for issuance of direction to the learned trial court to conclude the trial within stipulated period.

7. After perusal of the charge-sheet it appears that the prosecution wanted to examine near about 10 witnesses including panchas to the recovery panchanama, seizure panchanama and spot panchanama etc. The learned trial court recorded evidence of the informant/PW-1. No doubt allegations as against the present applicant / accused is about misappropriation of a huge amount of the financial institution where he was working as a clerk. The prosecution case is based on documentary evidence. Therefore, to my mind considering that the phenomena of bail is the rule and jail is the exception, the applicant / accused is entitled to bail during pendency of the trial on following conditions. Accordingly, I pass the following order.

ORDER

- A) The application is hereby allowed.
- B) The applicant- Bharat Ankush Anarase in R.C.C. No.162 of 2024 arising out of Crime No. 59 of 2023 registered with Ashti Police Station for the offence punishable under Sections 420, 406, 409 and 419 of IPC, be released on bail during pendency of the trial on furnishing PR of Rs.50,000/- and two solvent sureties in the like amount.
- C) The applicant / accused shall furnish an undertaking before the trial court that he would not contact with any prosecution witness and he shall not issue any threat to any witness.
- D) The applicant / accused shall not leave the jurisdiction of the learned Magistrate without permission of the court.
- E) The applicant / accused shall furnish details of his two blood relatives with mobile numbers and ID proof.
- F) The learned trial court is hereby requested to conclude the trial as early as possible within a period of six months from the receipt of this order.
- Accordingly, the application is disposed of.

(Y. G. KHOBRADE, J.)