

ORDER BELOW EXH. 61

Perused the application and say(Exh.65). Heard both the Ld. Advocates of the respective parties.

2. The complainant prayed for strict and firm action be initiated against the accused and seizure of ail bond be ordered, and coercive action be taken against the accused to secure his presence. Complainant prayed to allow the application.

3. Accused stated that this court has released the accused on bail. He has also been granted permanent exemption from appearing before this court. His advocate remains before the court regularly. He prayed to reject the application.

4. After hearing both the Ld. Advocates of the parties, this court finds that the accused has been released on bail. He has been granted permanent exemption from appearing before the court. There are no sufficient reasons to seize the bail bonds of the accused. Accused relied upon **Chinmaya Sahu Vs State of Orissa decided on 29/07/2023.** It has been held by Hon'ble High Court of Orissa at Cuttack in para 9 of the judgment that the bail granted under section 436 of Cr.PC. can only be cancelled by invoking the power under Sub Section (2) of Section

439 of Cr.P.C. Therefore, this court finds that if the complainant wants to seize bail bond of the accused, then he can approach under section 439(2) of Cr.P.C. It is not found that the accused is prolonging the matter. The grounds mentioned in the application are not justified to take strict action against accused. Hence the application of the accused is liable to be rejected. Hence following order.

ORDER

Application Exh.61 is hereby rejected.

Pune

(Amol Shriram Shinde)

Date : 28/05/2025

Judicial Magistrate First Class, Pune.

(Court No. 9)