

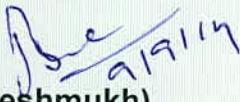
ORDER BELOW EXH.1.

- 1] Heard Advocate for the accused and Shri A.K. Mishra, Public Prosecutor for the CBI.
- 2] No say is filed by CBI. As such oral arguments are heard. According to CBI the accused is local, if released on bail he may influence the witnesses and investigation is still in progress.
- 3] According to Advocate for the accused, the accused is in Government service and as he is in jail for more than 48 hours he is deemed to be suspended and as such he will have no control over the witnesses, who are official witnesses. According to him, the Investigating Officer would require almost two months for the investigation and as keeping the accused behind the bar would be a futile exercise. Hence he submitted that accused may be released on bail on any conditions deemed fit by the Court.
- 4] Record would show that initial material investigation is over. Admittedly present accused is in government service. As he is in jail for more than 48 hours he is deemed to be suspended. So taking into consideration this aspect the accused will not have control over the office or the witnesses. So taking into consideration all these aspects, in my opinion, discretion can be used in favour of the accused by putting some conditions. Hence following order:

O R D E R

- (i) Application is allowed.

- (ii) Applicant Nilesh Arvindlal Patel be released on bail on executing a bond of Rs.40,000/- with one surety in the like amount.
- (iii) He is directed not to tamper with the evidence of the prosecution and to bring pressure on them.
- (iv) The accused is directed to make himself available as and when called by the Investigating Officer for the purpose of investigation.



(R.R. Deshmukh)
Special Judge,
Daman
At Silvassa.

Silvassa
Date:09/09/2014