

IN THE COURT OF THE SESSIONS JUDGE,

PUNE, MAHARASHTRA

Bail Application Under Section 439 of the Code of Criminal Procedure, 1973

APPLICANT: Mr. Rajesh Sharma

RESPONDENT: State of Maharashtra

CASE DETAILS AND FIR NO.:

connected with FIR No. 112/2023, under Sections 420, 465, 467, 468, 471, 120B of the Indian Penal Code (IPC) 1860, registered at Shivajinagar Police Station, Pune, Maharashtra.

BACKGROUND AND FACTS:

1. The applicant, Mr. Rajesh Sharma, was taken into custody on 05-06-2023, pursuant to the aforementioned FIR, for alleged forgery and cheating in order to fraudulently secure a personal loan of Rs. 5,00,000 from XYZ Bank, Pune.
2. The investigation conducted by the Shivajinagar Police Station, Pune, revealed the use of falsified documents and impersonation, leading to the registration of the FIR.
3. Forensic document analysis has confirmed tampering and duplication in the PAN card, Aadhaar card, and salary documents of Mr. Sunil Desai.

GROUND FOR BAIL:

1. The applicant has strong roots within the community and is not a flight risk. He has been a law-abiding citizen with no prior criminal history or convictions.
2. The applicant is willing to abide by any bail conditions imposed by the Hon'ble Court, including surrendering his passport, maintaining regular contact with the investigating officer, and appearing before the Court as and when required.
3. The applicant's continued incarceration is unwarranted, given that the investigation is complete and the chargesheet has been filed.
4. The applicant's right to liberty should be balanced against the seriousness of the charges, and the applicant's liberty should not be denied unless there is a clear and present danger to society.

LEGAL ARGUMENTS WITH IPC SECTIONS:

1. Under Section 439 of the Code of Criminal Procedure, 1973, the Court has the power to grant bail to the applicant.
2. The charges against the applicant primarily fall under the IPC sections related to forgery and cheating. The maximum punishment prescribed for these offences is not more than 7 years of imprisonment.
3. The Hon'ble Supreme Court of India has consistently held that an accused person is entitled to bail, unless there are compelling reasons to deny it.
4. The applicant's continued incarceration is not warranted, as the investigation is complete, and the chargesheet has been filed. The applicant does not pose a threat to society or a flight risk.

PRAYER:

It is, therefore, respectfully prayed that the Hon'ble Court may be pleased to grant bail to the applicant, Mr. Rajesh Sharma, under Section 439 of the Code of Criminal Procedure, 1973, on such terms and conditions as the Hon'ble Court deems fit and proper.

FILED BY:

[Your Name]

Senior Legal Assistant and Professional Legal Document Drafter

[Your Contact Details]

VERIFIED AND DECLARED AS TRUE AND CORRECT:

[Your Name]

Applicant

Dated: [Date]

Place: Pune, Maharashtra