

IN THE COURT OF SESSIONS, NASHIK, AT NASHIK.  
(Coram : S. T. Tripathi )

**Criminal Bail Application No. 1593/2022.**

Bhushan Eknath Mali ..Applicant/Accused-4,

**Versus**

The State of Maharashtra, ..Respondent/State  
Through, Igatpuri Police  
Station, District Nashik.

**APPEARANCE:**

Mr. S.D. Walzade, Learned Adv. for the Applicant.  
Mr. S.P.Gorwadkar, Learned A.P.P. for the Respondent/State.

**Order below Exh.1.**  
**(Delivered on this 09<sup>th</sup> day of January, 2023)**

This is an application for pre-arrest bail u/s. 438 of the Cr.P.C. in C.R.9 of 2022 registered with Igatpuri Police Station, Nashik u/ss. 302,307,452,427,143,147,148,149,323 of The Indian Penal Code(IPC), 37(1)(3) of Maharashtra Police Act & 25(4) of Arms Act.

2. Learned counsel Mr.S.D. Walzade for the applicant submits that, applicant is innocent person and he has been falsely implicated in this C.R. There is apprehension of his arrest. Charge-sheet has been already filed in the Court of learned JMFC., but has not been committed to the Hon'ble Court of Session. Applicant was not present on the spot of incident at the time of commission of offence. Around 40 to 50 accused persons including applicants are involved in this crime and most of the accused persons are released on regular bail and pre-arrest bail. He is ready to abide by any of the terms and conditions to be imposed by this Court. He has got fixed and permanent place of residence and undertakes to cooperate investigation. Hence, he prays for

bail.

3. Learned APP Mr. R.M.Baghdane by filing pursis (Exh.--6) adopted say (Exh.--5) filed by Investigation officer (I.O.)Mr. Arjun Bhosle, Dy.S.P. Nashik(Rural). I.O. is present alongwith police papers. They have objected application on the grounds that,offence is serious and investigation is incomplete, statements of witnesses are yet to be recoded. Custodial interrogation is necessary for thorough investigation. He may hamper or tamper prosecution witnesses or evidence.

4. Prosecution's case as alleged,is that, on account of previous enimity, on 28.01.2022 at about 3.30 p.m., near the house of informant Asha Patrick Manwell, in Gaikwad Nagar, Igatpuri, all the accused were member of unlawful assembly and in prosecution of common object of such assembly,applicant(accused-4) alongwith co-accused 2 & 3, entered in the house of informant, told him not to reside in the village, caught hold Rahul Ramesh Salve, accused 1 Harichandra Kashinath Bhandare voluntarily caused him grievous hurt by means of deadly weapon i.e. Knife on his head, face, ribs, hands and legs, and inflicted serious injury to witness Fransis @ Kaupatrick Manual. Other co-accused 5 to 73, juvenile in conflict with law 70 to 76 and other unknown accused caused damage to motor-cycles and three four wheelers by swords, sticks and stones and caused damage to the houses of nearby persons. In the incident Rahul Salve succumbed to the injuries and witness Fransis was seriously injured . Therefore, crime came to be registered.

5. Perusal of record reveals that, the applicant is directly involved in the commission of offence. There is sufficient material against him. Deceased succumbed to the injuries, as applicant caught hold him and accused-1 Harishchandra Bhandare inflicted blow by a

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deadly weapon i.e. Knife on the person of Ramesh Salve. Offence u/s. 302 of IPC is punishable with death or imprisonment for life. The offences are serious in nature. It has been committed in the broad day light. Learned Advocate for the applicant submits that five accused persons have been released on pre-arrest bail, hence applicant is entitled for the pre-arrest bail on the ground of parity. However, their roles are entirely different than that of present applicant. Hence, he is not entitled for pre-arrest bail on the ground of parity. He may hamper or tamper prosecution witnesses or evidence. I do not find any merits in this application. Consequently, I am not inclined to exercise my discretion in favour of the applicant. Hence, the order.

**ORDER**

This application stands rejected.

Date : 09.01. 2023.

**( S.T. Tripathi)**  
Additional Sessions Judge,  
Nashik.