

Criminal Bail Application No.1262/2022

CNR No. MHNS010053582022

[Akash Radhakisan Kale V s. State]

Order below Exh.1.

This is application for regular bail U/s. 439 of Cr.P.C. in Cr.No.I-206/2022 of Adgaon P. S., for offences punishable under Sections 395, 397, 364A, 324, 363 of I.P.C., on the basis of FIR lodged by Gaurav Baban Suryawanshi.

2. Bail application is filed on the ground that the applicant is innocent and has been falsely implicated in the case. That nothing has been seized from the applicant. He has impleaded in the offence as he is friend of accused. FIR was lodged against unknown person. Sec.395 of IPC is not attracted to the crime. There are no criminal antecedents against applicant. He has no concern with the crime. He will not tamper with prosecution evidence. He is ready to abide by all the terms and conditions imposed by the Court. On these main grounds and others have prayed for bail.

3. Notice was issued to State. State appeared through Ld. APP Mr. Kotwal and filed say resisting for grant of application on the grounds that the offence is serious in nature. Co-accused are to be arrested. Co-accused are habitual offenders having criminal antecedents. Investigation is in progress. Mobile phones of injured, gold ornament and cash of Rs.9,500/- are to be seized. There is evidence against the accused. Test identification parade is to be done. If released on bail, he will pressurize the informant, panch and witnesses. On these main grounds and others have prayed for rejection of bail application.

4. Heard Ld. Advocate Mr.Jadhav for applicant. Perused bail application. Heard Ld. APP Kotwal. Perused police papers and say filed by Adgaon police station.

5. On perusal of FIR, the same only states about 2-3 people chasing and assaulting one person near Jatra hotel. Thereafter abducting that person in Indica car. The statement of Jaipal Girase is recorded by Investigating officer. It is specifically mentioned therein that prior to 15-20 days of incident, he has given amount of Rs.50,000/- by phone pay to Niranjn Shelke. He demanded back. However, Niranjn did not pay the amount. On 27.8.2022, Datta Kute called him at hotel Jatra, thereafter informant went there along with his friend Omkar Raut. Thereafter, Niranjn Shelke, Somnath Sanap, Akash Kale and other 2-3 persons started abusing, threatening them. Niranjn Shelke questioned him and threatened him, further snatched Rs.6,000/- from his pocket and also some money from Omkar Raut, abducted both of them, took them to Aurangabad. There at one Farm, assaulted them with wooden log.

6. The role assigned to the present applicant is of abduction, assault, dacoity. There is prima facie case against the present applicant. The investigation is at preliminary stage. It will not be appropriate to release the applicant on bail at this stage. Hence, following order is passed.

ORDER

Application stands rejected.

Nashik.

(V. P. Desai)

Date : 17/10/2022

Additional Sessions Judge, Nashik.