

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,**

**AT – NASHIK.**

**(Presided over by Mr. M. H. Shaikh)**

**Criminal Bail Application No.1275 of 2022**

**CNR NO.MHNS010053952022**



1. Pratik @ Chandu Chandrakant Bhagde  
Age : 20 years, Occu.: Education

2. Pankaj Raju Kadu  
Age : 22 years, Occu.: Education

Both R/o : Nandgaon Sado,  
Tal. Igatpuri, Dist. Nashik.

... Applicants/Accused.

**V/S**

State of Maharashtra  
Through – Igatpuri Police Station  
(C. R. No. I-09/2022)

... Respondent/State.

**Appearance** : Ld. Adv. Shri. Deshmukh A. Ismail for Applicants/Accused.  
Ld. A.P.P. Shri. Sachin Gorwadkar for Respondent/State.

**ORDER BELOW EXH. NO.1**

**(Delivered on 04<sup>th</sup> November, 2022)**

1. This is an application under Section 438 of Cr.P.C. for pre-arrest bail in connection with C.R. No.I-09/2022 registered with the respondent Igatpuri Police Station against the accused and others for an offence punishable under Sections 302, 307, 120-B, 452, 427, 413, 147, 148, 149, 323,

504 and 506 of the Indian Penal Code and under Sections 135/37(3)(1) of the Mumbai Police Act and under Section 4/25 of the Arms Act.

2. Read the application and the say filed by the respondent vide Exh.6. Heard Ld. Advocate for applicant and Ld. A.P.P. for the State.

3. It is the prosecution case that, the applicants and other accused persons conspired and committed the murder of Rahul Ramnath Salve by knife and other weapons.

4. It is the case of the applicants that, their names are not there in the F.I.R. They are falsely implicated in this case. They are students. Investigation is over. Charge-sheet is filed. Custodial interrogation of the applicants are not necessary. Ready to abide by the terms and conditions likely to be imposed.

5. Respondent objected on the grounds of seriousness of offence custodial interrogation of the applicants are necessary to the ascertain his role, he may repeat the same offence, threaten the complainant and the witnesses. Therefore, prayed to reject the application.

6. On the basis of the submissions of the duo Advocates and material placed on record, what can be gathered is that some accused persons came to be arrested and many are yet to be arrested. There are in all 80 accused persons in this Crime. Out of them, many are absconding. It is the fact that, Charge-sheet is filed in the Court of law, but the names of applicants have been cropped up in the Statement of one Ravindra Bhagade recorded under Section 164 of Cr.P.C. This Court finds that, custodial interrogation of

these applicants is necessary to ascertain their role. Just because the Charge-sheet is filed, therefore by default applicants can not claim bail and that to pre-arrest bail in such a serious matter. Moreover, the F.I.R. is not an encyclopedia. So also in the investigation, in the CCTV footage both these applicants are seen. As far as, the ground of parity is concerned, this Court finds that these applicants are seen in the CCTV footage and in their statement of one witness, one applicant has named him. Therefore, ground of parity is not applicable to the case in hand. Therefore, this Court finds that, the application requires to be turned down. Hence, the order.

**ORDER**

1. Criminal Bail Application No.11275/2022 stands rejected.
2. Inform the order to the I.O.

Place : Nashik.  
Date : 04/11/2022

**(M. H. Shaikh)**  
Additional Sessions Judge, Nashik.