

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,
AT – NASHIK.

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

Criminal Bail Application No.1279 of 2022

CNR NO.MHNS010053992022



1. **Sachin Walu Kunde**
Age : 22 years, Occu.: Service
2. **Gotiram Samadhan Gavari**
Age : 24 years, Occu.: Service
3. **Bhaurao Eknath Supe**
Age : 23 years, Occu.: Service

All R/o : Ambe Bahula, Villholi,
Tal. & Dist. Nashik.

... Applicants/Accused.

V/S

State of Maharashtra

Through – P.I., Nashik Taluka Police
Station (C.R. No.I-178/2022)

... Respondent/State.

Appearance :

Ld. Adv. Shri. A. I. Deshmukh for Applicants/Accused.

Ld. A.P.P. Smt. B. N. Petkar for Respondent/State.

ORDER BELOW EXH. NO.1

(Delivered on 21st November, 2022)

1. This is an application filed under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in connection with C.R. No.I-

178/2022 registered with the respondent Nashik Taluka Police Station for an offence punishable under Sections 379 and 511 r/w 34 of the Indian Penal Code

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

3. It is alleged that, on 12.10.2022 at 00.30 hours at Villholi, Ambe-Bahula road, Villholi shivar at Dr. Indorewala Hospital, where the construction work was going on, applicants and other accused persons without the consent of the complainant tried to commit the theft of iron-rods. The complainant was one person out of them by name Pandurang Balu Gavari and he was taken to the Police Station, where he disclosed the names of other co-accused persons. Incident came to be reported to the Police.

4. It is the case of the applicants that, they are falsely implicated implicated in this case and there is nothing involve these applicants in the said crime. Nothing is to be recovered or discovered at the instance from the applicants. Ready to abide by the terms and conditions likely to be imposed by this Court. Therefore, prayed to allow the application.

5. Respondent objected on the ground that, investigation is in progress, offence alleged is serious in nature, there is an involvement of applicants in the Crime and there is a prima-facie case against the applicants. The vehicle used in the crime is required to be seized, therefore custodial interrogation of these applicants is necessary. Therefore, prayed to reject the application.

6. Upon hearing and going through the material placed on record, what can be gathered is that, the main accused Pandurang Balu Gavari came to be arrested and now he is on regular bail. The role of this applicants is that, they came in one Chotta-Hatti vehicle, who are the friends of the main accused Pandurang Balu Gavari. Perusal of the F.I.R. reflects that, there was an attempt to commit theft. It is argued that, the main accused Pandurang was the labour, who used to work for the complainant, who is the contractor. It seems that, there was some dispute between the complainant and the said Pandurang. As far as the grounds for rejection of this application is concerned, this Court does not finds those to be just and proper. Custodial interrogation of the applicants is not necessary. The Chotta-Hatti vehicle in which it is alleged that, the applicants came on the spot, that is not the vehicle involved in the crime, because there was an attempt to commit theft and there was not theft. Therefore, this Court finds that, by imposing conditions, the applicants can be granted pre-arrest bail. Hence, the order.

ORDER

1. Criminal Bail Application No.1279 of 2022 is allowed.
2. In the event of arrest, Applicant No.1 Sachin Walu Kunde, No.2 Gotiram Samadhan Gavari and No.3 Bhaurao Eknath Supe be released on bail on their executing a personal bond of Rs.15,000/- each with solvent sureties in like amount to the satisfaction of the I.O in connection C.R. No.I-178 of 2022 registered Respondent/Nashik Taluka Police Station under Sections 379 and 511 r/w 34 of the Indian Penal Code.
3. Applicants to remain present before the I.O. at the respondent Police Station on 24th and 25th November, 2022 between 11.00 a.m. to 01.00 p.m. and co-operate the I.O. in the investigation.

- 4.** Applicants not to repeat the similar offences in future.
- 5.** Applicants not to threaten and pressurize the complainant and the witnesses.
- 6.** In the above terms, Criminal Bail Application No.1279 of 2022 stands disposed off accordingly.

Place : Nashik.

Date : 21/11/2022

(M. H. Shaikh)

Additional Sessions Judge, Nashik.