

Criminal Bail Application No.1249/2022

CNR No. MHNS010053432022

[Santosh Dharma Khode V s. State]

Order below Exh.1.

This is application for regular bail U/s. 439 of Cr.P.C. in Cr.No.I-3812022 of Panchavati P. S., for offences punishable under Sections 392, 397, 323, 504, 506 r.w. 34 of I.P.C. and Sec.37(1) 135 of Maharashtra Police Act on the basis of FIR lodged by Dattu Ashok Zade.

2. Bail application is filed on the ground that the applicant is innocent and has been falsely implicated in the case. That FIR does not disclose name or any act of applicant. Sec.397 of IPC is not attracted. FIR is against unknown person. He has no concern with any weapon or muddemal. The vehicle used in the offence, does not belong to applicant. The applicant was not present on the spot at the time of incident. The applicant never assaulted informant nor taken out any amount or mobile. The applicant has impleaded in the crime on suspicion. Nothing has been recovered or discovered at the instance of the applicant. He is permanent resident of Nashik. He is ready to co-operate investigation machinery. He will never pressurize witnesses. On these main grounds and others have prayed for bail.

3. Notice was issued to State. State appeared through Ld. APP Mr. Kapse and filed say resisting for grant of application on the grounds that the offence is serious one. Investigation Parade is done. If released, the accused will threaten the informant and

witnesses. He will not co-operate in the investigation and will abscond. He will commit same type of offence in future. On these main grounds and others have prayed for rejection of bail application.

4. Heard Ld. Advocate Mr.A. S. Mahajan for applicant. Perused bail application. Heard Ld. APP Mr.Kapse. Perused police papers and say filed by Panchavati police station.

5. On perusal of F.I.R. as well as case papers, it is apparent that, informant was robbed for cash of Rs.17,000/- and mobile by three persons on the knife point. The present applicant is identified by the informant. Be as it may be, there is nothing to show that any grievous injury is caused to the informant. One of the co-accused namely Sagar Mali is released on regular bail. Investigation is practically completed. There are no criminal antecedents against the applicant. Hence, on certain terms and conditions, discretion can be exercised in favour of the applicant. Hence, following order is passed :

ORDER

- (1). Application is allowed.
- (2). The applicant Santosh Dharma Khode be released on bail in Cr.No.I-381/2022 of Panchavati P. S., for offences punishable under Sections 392, 397, 323, 504, 506 r.w. 34 of I.P.C. and Sec.37(1) 135 of Maharashtra Police Act on the basis of FIR lodged by Dattu Ashok Zade on furnishing a PR and SB of Rs.25,000/- with one or more sureties of like amount on

following conditions.

- (a). He shall attend Panchavati Police Station on every Sunday between 10.00 a.m. to 1.00 p.m. till filing of the charge sheet,
 - (b). He should furnish two documents about his identity proof and two documents in respect of identity proof of his relatives.
 - (c). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing such facts to the Court or to any police officer.
 - (d). Violation of any of the above mentioned condition, would result in cancellation of bail.
- (3). Inform concerned police station accordingly.
 - (4). Bail before JMFC Court

Nashik.

(V. P. Desai)

Date : 09/11/2022

Additional Sessions Judge, Nashik.