

**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 92 OF 2022**

{Akshay Ghanshyam Gharde vs. The State of Maharashtra through
Upnagar Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicant-accused in crime No. 195 of 2021 registered with Upnagar Police Station, Nashik for the offences punishable under sections 307, 326, 323, 504, 506 read with 34 of the IPC and section 135 of the Maharashtra Police Act.

02] The applicant contended that false and fabricated case is registered against him. He is permanent resident of the address mentioned in the application having movable and immovable properties there. The incident occurred in spur of moment. He is in Jail from past more than three Months. Investigation is completed and charge sheet is filed. He has no criminal antecedent. So, they have prayed for grant of bail.

03] learned APP has filed say at Ex. 05 and I. O. has also filed say at Ex. 06. They have stated that the offence is of serious nature. Charge sheet is filed against all the accused. If he is released on bail, he will threat the prosecution witnesses. Hence, they have prayed for rejection of bail.

04] Heard the learned counsel for accused and learned APP. They have argued as per their stand taken.

05] I have gone through application, say, arguments, documents, police papers. There is prima-facie case against the accused. His earlier bail No. 1495 of 2021 dated 18.11.2021 was rejected by me, prior to charge sheet, as investigation was going on. The complainant is out of danger. The investigation is completed. Accused has no criminal antecedent. He is entitled for bail. Hence, the following order :

ORDER

- 01] Application is allowed.
- 02] Accused namely Akshay Ghanshyam Gharte be released on bail on executing personal bond of Rs. 15,000/- with one or more surety in the likewise amount each in crime No. 195 of 2021 registered with Upnagar Police Station, Nashik for the offences punishable under sections 307, 326, 323, 504, 506 read with 34 of the IPC and section 135 of the Maharashtra Police Act.
- 03] The accused shall attend police station, as and when his attendance is required by the I. O.
- 04] 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 him from disclosing such facts to the court or to any police officer to tamper with the evidence.
- 05] He shall not tamper the prosecution evidence in any manner.
- 06] He shall not leave India without permission of this court.
- 07] He shall not commit similar type of offence.
- 08] He shall furnish his detailed address with proof and his mobile numbers.
- 09] Bail before concerned court of Judicial Magistrate First Class.

Date : 28.01.2022

(R. R. Rathi)
Additional Sessions Judge-5,
Nashik.