

**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 19 OF 2022**

{Amir Nabiullah Khalifa Vs. The State of Maharashtra through
Mumbak Naka Police Station}

This is an application under section 438 of the Criminal Procedure Code, 1973 for grant of anticipatory bail in crime No. 331 of 2021 registered with Mumbai Naka Police Station under sections 392 and 427 read with 34 of the IPC.

02] The applicant contended that the incident took place in populated area and many people gathered there. False case is filed against him. Conduct of the complainant is unnatural. There is delay in lodging F. I. R. Accused has not committed any offence. He has no criminal antecedent. His medical treatment is going on and his family is dependent on him. His age is 20 years. Nothing has to be recovered from him. He is ready to abide any conditions imposed by the court. On terms and conditions, he has prayed for grant of anticipatory bail.

03] I. O. filed say at Ex. 07 and APP filed say at Ex. 06. They have stated that the offence is of serious nature. Since commission of the offence, the accused has absconded. Amount of Rs. 5,12,000/- is to be recovered from him. The act was preplanned. Investigation is going on. His custodial interrogation is required. His test identification parade is to be done. Hence, they have prayed for rejection of bail.

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

05] I have gone through application, say, arguments and Police papers. There is strong prima-facie case against the accused. There is evidence of CCTV footage and evidence of the complainant

against all the accused. As all accused committed the offence, in furtherance of their common intention, though, the act of each of the accused is different, but they have active participation in the crime. The test identification parade of the accused is required to be done. Amount of Rs. 5,12,000/- is required to be seized from the accused. The act of the accused appears to be preplanned. If the accused is released on bail, he may abscond and may threat the complainant and the prosecution witnesses. The investigation is going on. The punishment of the offence is severed. The ground of medical problem of the accused is not substantiated by cogent evidence. The medical paper filed by the accused does not show that the medical treatment of the accused is very essential. Considering the same, the accused is not entitled for bail. Hence, the following order:

ORDER

The application is rejected.

Date : 10.01.2022

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