

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 27 OF 2022

{Ashish Rajendra Jadhav vs. The State of Maharashtra through
Sarkarwada Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicant-accused in crime No. 427 of 2019 registered with Sarkarwada Police Station, Nashik for the offences punishable under section 353 of the I. P. C. and under section 3 read with 25 of the Arms Act.

02] The applicant contended that false and fabricated case is registered against him. He is innocent and not committed any offence. After two and half years of incident, he was arrested. Nothing is recovered from him. He is local resident of Nashik and having movable and immovable property. He is ready to abide by any conditions imposed by the court. He has prayed for grant of bail application.

03] learned APP has filed say at Ex. 04 and I. O. has also filed say at Ex. 05. They have stated that the offence is of serious nature. The investigation is in progress. Many serious offences are registered against him. Hence, they have prayed for rejection of bail application.

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

05] I have gone through the application, say and the arguments. There is prima-facie case against the accused. But, looking to the fact that two and half years has been lapsed after the offence. Charge sheet is filed and investigation is completed. The weapons are seized. Nothing remained to be seized from the accused. Three different crimes are registered against him and as per the counsel for the accused in the first crime, he was acquitted and in rest of two different crimes, he is bailed out. Pending crime is not the criteria to reject the bail. No injuries have been caused by the accused to the Government servant while committing the alleged offence under section 353 of the IPC. The

offence is at the most punishable up to five years of imprisonment. Accused is entitled for bail on suitable terms and conditions. Hence, the following order :

ORDER

- 01] Application is allowed.
- 02] Accused namely Ashish Rajendra Jadhav be released on bail on executing personal bond of Rs. 15,000/- with one or more sureties in the likewise amount each in crime No. 427 of 2019 registered with Sarkarwada Police Station, Nashik for the offences punishable under section 353 of the I. P. C. and under section 3 read with 25 of the Arms Act.
- 03] The accused shall attend police station, as and when his attendances 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 number.
- 09] Bail before concerned court of Judicial Magistrate First Class.

Date : 12.01.2022

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

