

Order below Exh.1 in Cri. Bail Application No. 37/2022

1) Akash Ganesh Kumawat, .. Applicant/
2) Sunny @ Ajay Sanjay Khare. .. Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Ambad Police Station, Nashik.
(Cr. No.I 353/2021)

.. Prosecution

Order below Exh.1.

1. This application has been filed by the applicants/accused under section **439 of Cr.P.C.** for releasing them on **regular bail** in the aforesaid Crime registered at Ambad Police Station, for the offence punishable under section 307, 141, 144, 147, 149 of the Indian Penal code.

2. According to the prosecution, the complainant has lodged report with Police Station on 19.10.2021 alleging therein that on 18.10.2021 around 10.00 pm, he got a phone-call from his friend Kundan Ghule that all the accused persons are chasing his younger son and are armed with deadly weapons. On receipt of the information, he immediately proceeded to search his son. His son was found at Raigad Chawk, Cidco in an unconscious state.

He took his son to the Civil Hospital, Nashik. His son got serious injuries on his head. He further revealed that on 15.10.2021, there was quarrel between his son and the accused persons and so in order to take revenge, the accused persons attempted to kill his son. Based on his report, crime was registered against the accused persons.

3. The learned counsel Mr. A.K.Kale appearing for the applicants/accused has argued that the applicants are innocent and have not committed any offence. There is delay of one day in lodging the FIR. They have no criminal antecedents and is taking education. The injured is already discharged. The co-accused are already released on bail and hence ground of parity is available to this applicants. They are ready to cooperate with the investigation and ready to abide by each and every conditions if any imposed by this Court. Lastly, he prayed for bail to the applicants/accused.

4. The Investigating Officer has strongly opposed the application by filing say at Exh.5 stating that in the statement recorded u/s. 164 of Cr.P.C. the complainant has specifically stated that applicants were one of the assailants who chased and assaulted him. They have already seized CCTV footage and the role of the applicants are very clear. He further says that if they are released on bail, they may pressurize the witnesses and tamper with evidence. Hence, lastly prayed for rejection of the

application.

The ld. APP Smt. Archana Patil has strongly opposed the application by stating that the offence is serious in nature. There is a CCTV footage and prima facie involvement of the applicants in the alleged crime is appearing. If applicants are released on bail, there is every possibility that they may tamper the witnesses and would not obey the terms and conditions. Hence, prayed for rejection of the bail.

5. After hearing both sides and on going through the charge-sheet, it appears that there are direct allegations against the applicants that they have assaulted the complainant. The investigating officer has also seized CCTV footage to that effect. The complainant has sustained serious injuries. Further, the say of the Investigating Officer reveals that investigation is at fag end and he is about to file charge-sheet. The other co-accused are already released on bail and as such, the ground of parity is also available. Considering the reasons and rising cases of Omicron, Pandemic situation in the Country and Jails are over flooded with the inmates, I am inclined to release the applicants on bail with stringent conditions :

Order

1. Application is hereby allowed.

2. Applicant/ accused – Akash Ganesh Kumawat and Sunny @ Ajay Sanjay Khare shall be released on **regular bail** on furnishing their P.R.bond of Rs.25,000/- each with one or more sureties in the like amount, on the following conditions.:-

They shall -

- (a) not act in manner injurious to the interest of the prosecution.
- (b) furnish the address of his residence, copy of Pan and Adhar card at the time of execution of bond and shall not change the residence without prior permission of this Court.

3. If the applicants/accused commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

(**Smt. S.S. Nair**)

Addl. Sessions Judge-4, Nashik.

Date : 17.01.2022.