

Order below Exh.1 in Cri. Bail Application No.7/2022.

{ Dnyaneshwar Balasaheb Dhase Vs. State }

This is an application under section 439 of the Criminal Procedure Code for grant of bail pending trial.

2. This application is moved by the applicant Dnyaneshwar Balasaheb Dhase praying to release him on bail in connection with the CR No.391/2021 registered with Wavi Police Station under section 307,395,120(B) r.w.s.34 of the Indian Penal Code.

3. It is stated in the application that, applicant-accused is no way connected with the alleged crime. He is working in MIDC, Ahmednagar. His financial position sound. All accused were arrested, statement of witnesses were recorded, muddemal property is recovered and therefore, no purpose will be served by keeping the applicant-accused behind the bar. Hence, prayed to allow the application.

4. I.O. is present and filed his report and submitted that in fact the said crime was planned by the present applicant-accused and he has given effect to the said crime with the help of other accused. Section 120(B) and 307 is added to the crime. Hence, prayed to reject the application.

5. Heard, both the parties. The learned counsel Shri. Kasliwal submitted that investigation for all purpose is over, muddemal property is seized, no purpose will be served by keeping the applicant-accused behind the bar. Hence, prayed to allow the application.

6. Perused the record. It appears that on 24.11.2021 at about 2.15 a.m. accused have committed dacoity in the house of

first informant Yogesh Sarode at Sarode Mala, Maldhone, Tal. Sinnar, Dist. Nashik. From the FIR it appears that he and his family were sleeping in their house and in the court yard of the house, the accused came there and brutally assaulted his mother, father, grand-mother and son when he heard cry, he woke up and came outside of his room and saw that 10 to 12 persons were beating his parents, grand-mother and son, one of the accused assaulted by beer bottle on the head of his father, one of the accused holding iron rod had assaulted his father by the said iron rod. Meanwhile 5 to 6 accused entered in his house and they snatched golden mangalsutra, neckless and other ornaments from his wife.

7. From the police papers placed on record, it appears that, the accused Shankar Pimple had talk with this applicant-accused Dnyaneshwar Dhase, who has handed over the task to Shankar Pimple and promised to give remuneration after completion of this job and therefore, all accused have given effect to the intention of the present applicant-accused. Therefore, considering the role of present applicant-accused, there is prima-facie case against him. Investigation is in progress. The entire muddemal property yet not been recovered. Hence, application is devoid of merit. Therefore, following order is passed.

ORDER

1. Bail Application No.7/2022 is hereby rejected.
2. Inform all the concerned accordingly.

Date: 21.01.2022

(M. A. Shinde)
Additional Sessions Judge-8,
Nashik.