

Order below Exh.1 in Cri. Bail Application No.79/2022.

{ Dipak Yashwant Sable and others Vs. State }

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

2. The present application is moved by the applicants-accused 1) Deepak Yashvant Sable and 2) Kunal Yashvant Sable praying to release them on bail in connection with the CR No.144/2021 registered with Ghoti Police Station under section 326,324,323,504,506 r.w.s.34 of the Indian Penal Code. It is stated that the alleged offence took place on 17.10.2021 and registered on the same day, however, both the applicants-accused were arrested on 17.1.2022. Thereafter, accused were produced before the learned JMFC, Igatpuri and remanded to MCR, till this date they were in jail.

3. It is alleged in the application that initially the offence was registered under section 324 of Indian Penal Code, which is bailable, however, to harass the applicants-accused prosecution has added section 326 of the Indian Penal Code. Applicants-accused are local resident and will co-operate the investigation machinery and will not tamper the prosecution evidence and also ready to abide the conditions laid down by this court. Hence, prayed to allow the bail application.

4. I.O. is present and opposed the bail application by submitting his say that injured witnesses have suffered grievous injuries. He produced injury certificates on record, which are showing witnesses have suffered grievous injuries.

5. Heard, both the parties. Perused the record.

6. The learned counsel for applicants-accused Shri. Sameer Inamdar submitted that, the offence took place on 17.10.2021 and applicants-accused are arrested on 17.1.2022 i.e. after 3 months of the incidents and police have not sought PCR, therefore, they were taken into MCR. The muddemal property is already recovered and no purpose will be served by keeping the applicants-accused in jail. The learned JMFC, Igatpuri has rejected the bail application of the accused and hence, he moved present bail application.

7. The learned APP Shri. Suryavanshi submitted that considering the nature of injuries suffered by injured, investigation is in progress, hence, application may be rejected.

8. On perusal of the record placed before me by the I.O. it is obvious that both the injured have suffered grievous injuries. Muddemal weapons used in the alleged crime is already seized and more than three months have been passed since the incident, injured-witnesses were discharged from the hospital. Therefore, there is no propriety to keep the applicants-accused behind the bar. I.O. has submitted that in all respect investigation is completed and he will file the charge-sheet within 10 to 12 days from today. Hence, following order is passed.

ORDER

1. Application is allowed.
2. Applicant-accused No. 1) Deepak Yashvant Sable and 2) Kunal Yashvant Sable praying to release them on bail in connection with the CR No.144/2021 registered with Ghoti Police Station under section 326,324,323,504,506 r.w.s.34 of the Indian Penal Code, on executing bond of Rs.15,000/- each with surety in like amount.

3. They shall not abscond or tamper with the witnesses.
4. They shall furnish address proof aadhar card of their two near relatives alongwith mobile numbers.
5. They shall also furnish their address proof aadhar card with mobile numbers.
6. In the event of breach of any of the conditions, their bail bonds shall be liable to be cancelled.
7. Bail in lower Court.

Date: 27.01.2022

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