

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK
AT – NASHIK.

Criminal Bail Application. No.43 of 2022

CNR No.MHNS010001262022



Ganesh Walu Pawar
Age : 26 years, Occu.: Agriculture
R/o : Harsul, Post- Dugaon,
Tal.Chandwa, Dist. Nashik. ... Applicant.

V/S

State of Maharashtra
Through Deolali Camp Police
Station.(C.R. No.I-112/2021) ... Respondent.

Appearance :
Ld. Adv. Shri. J. S. Shaikh for Applicant.
Ld. A.P.P. Smt. Aparna Patil for Respondent.

ORDER BELOW EXH. NO.1
(Delivered on 20th January, 2022)

1. This is an application filed under Section 439 of Criminal Procedure Code for grant of regular bail in C.R. No.I-112/2021 registered with the respondent Deolali Camp Police Station for an offence punishable under Sections 417, 420, 465, 467, 468, 170, 171 of the Indian Penal Code and 6(1)(c), 6(2)C(3) of the Official Secrets Act.

2. It is alleged in the FIR by the complainant who is the Subhedar in the Army that, on the day of incident, in the night time, the

applicant wearing the uniform of the Military Officer personified him to be Military Officer and entered the prohibited area and when asked, he gave evasive answers, therefore, complaint came to be lodged against him.

3. It is the case of the applicant that, the applicant came to be accosted on the spot, Recovery is made. Mobile phone is seized. He is has not committed any offence. He is in judicial custody. Applicant is ready to abide the terms and conditions. Therefore, prayed to allow the application.

4. On the other hand, by way of Say, objection came to be filed wherein it is stated that the offence is serious in nature. The primary investigation reveals that the applicant used to personify himself as to be Military Officer and used to prepare false documents and used to cheat the young boys for giving jobs in the Military. The investigation is in progress. The Mobile phone seized is to be thoroughly checked and further investigation is to be carried out. If the applicant is enlarged on the bail, there will interruption in the investigation. Therefore, prayed to reject the application.

5. Heard Ld. Adv. for the applicant and Ld. A.P.P. for the State.

6. Upon hearing and going through the material placed on record, what can be gathered is that, the complainant who is Subhedhar in the Army, objected the entry of the applicant in the prohibited area, the applicant was unable to give answer to the query put by the Subhedhar. Therefore, on suspicion, he lodged report. During the

investigation, it appears that, the applicant personified himself to be the Military Officer of Army hence, in this way crime as alleged came to be lodged. Now the question as to whether the applicant is entitled to be enlarged on bail. This Court finds that the alleged offence is serious in nature and against the Nation. The question crops up as to what the applicant was doing in the prohibited Military area is required to be ascertain. Though recovery and discovery is completed, but still CDR of Mobile is yet to received, and in that line investigation is required to be carried out. The main purpose of applicant entered that area is required to investigated. Therefore, at this juncture, this Court finds that, this is not a fit case to grant bail. Hence, the Order.

ORDER

Criminal Bail Application No.43 of 2022
stands rejected and disposed off accordingly.

Place : Nashik.
Date : 20/01/2022

(M. H. Shaikh)
Additional Sessions Judge, Nashik.