

Order below Exh.1 in Cri. Bail Application No. 24/2022

Mahiuddin Mumtajali Khan .. Applicant/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Satpur Police Station, Nashik.
(Cr. No.I 198/2021)

.. Prosecution

Order below Exh.1.

1. This application has been filed by the applicant/accused under section **439 of Cr.P.C.** for releasing him on **regular bail** in the aforesaid Crime registered at Satpur Police Station, for the offence punishable under section **395, 412, 427 of IPC.**

2. According to the case of the prosecution, the FIR was lodged on 10.12.2021 by one Jaydeo Kisan Jadhav, Watchman working at Garge Studio, Belgaon-Dhaga alleging therein that on 10.12.2021, early morning around 02.30 am, some 8 to 10 unknown persons entered the said Studio forcefully, armed with weapons and committed dacoity. They have threatened the complainant of dire consequences on the point of weapon similar to Koyata and robbed bronze sculptures, Idols worth Rs.8,40,000/-.

Based on his report, the offence was registered and accused was arrested on suspicion on 14.12.2021 and now he is in judicial custody.

3. The learned counsel Mr. I. N. Sayyed appearing for the

applicant/accused has argued that the applicant is innocent and has not committed any offence. His name is not mentioned in the FIR, he was arrested on suspicion. During custodial interrogation, nothing was seized from him and as such, he has no concern with the alleged offence. There is delay in lodging the FIR. The applicant has no history of criminal antecedents. The muddamal is already recovered. The applicant is doing the business of scrap material. The co-accused approached him with the request to keep those articles in his Godown for some time. He was now aware that it were all stolen properties. Hence he has no concern with the crime. Lastly, he prayed for bail to the applicant/accused.

4. The ld. APP Smt. R.M.Kotwal has strongly opposed the application vide her reply Exh.6 thereby submitting that offence is of serious nature and he is not entitled to be released on bail. Some of the accused are still absconding. The investigation is still going on. Hence, prayed for rejection of the bail.

The investigating officer appeared and filed his reply vide Exh.5 and strongly opposed the application on the ground that applicant may pressurize the witnesses and may tamper with evidence, if released on bail. The offence is of serious nature. Some of the accused are still absconding and investigation is in progress. The identification parade is not yet conducted. If applicant is released on bail, there is every possibility that he may abscond. Hence, prayed for rejection of the application.

5. After hearing both the sides and going through the papers, prima facie, it appears that the police have recovered some of the

articles from the Godown of the applicant. Now whether he has kept those articles believing on the version of co-accused or he facilitated them in hiding those articles are all matter of investigation which is still in progress. Some of the accused are still absconding. The punishment prescribed for the offence is 10 years. Considering the seriousness of the offence, I am not inclined to grant bail to the applicant as investigation is not yet completed. Hence, following order.

Order

Application stands rejected.

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

Date : 21.01.2022.

Addl. Sessions Judge-4, Nashik.