

**Order below Exh.1 in Cri. Bail Application No.61/2022.**

{ Rushikesh Vijay Rathod 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 Rushikesh Vijay Rathod 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. The applicant is only 19 years old. He is taking education and therefore, no purpose will be served by keeping the applicant-accused behind the bar. Hence, prayed to allow the application.

4. I.O. has filed his report dated 21.1.2022 and opposed the bail application.

5. Heard, both parties. The learned counsel for applicant-accused has submitted that, the accused is in jail since his arrest. He is permanent resident of Rui, Tal. Rahata, Dist. Ahemdnagar. He further submitted that applicant-accused is working in MIDC as a labour and when he was returning from work, he was apprehended on suspicion. He is ready to abide the conditions laid down by this court. On the other hand, the learned APP opposed the application stating that applicant-accused was apprehended on the spot and from him the names of other accused came to know the police. Thus, he has played active role in commission of offence. There is sufficient material collected during the course of investigation against the applicant-accused. Therefore, he prayed to reject 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 present applicant-accused was apprehended on the spot at the time of commission offence and on interrogation conducted by the police, names of other accused had disclosed by him, thus there is prima-facie case against the applicant-accused. He is actively involved in commission of crime. There is no evidence placed on record to show that at the relevant time he was working in MIDC as a labour. The offence is serious. Hence, application is devoid of merit. Therefore, following order is passed.

**ORDER**

1. Bail Application No.61/2022 is hereby rejected.
2. Inform all the concerned accordingly.

Date: 24.02.2022

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

