

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 1217 OF 2022

(Sagar Krushna Mali vs. The State of Maharashtra through Panchavati
Police Station)

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicant-accused in crime No. I-381 of 2022 registered with Panchavati Police Station, Nashik for the offences punishable under sections 392, 397, 323, 504, 504 read with 34 of the I. P. C. and Sec.37(1) punishable with Sec.135 of Maharashtra Police Act.

02] The applicant contended that false and fabricated case is registered against him. FIR does not feature his name or his role. He has no concerned with the crime. Sec.397 of IPC does not attract to the crime. FIR is against unknown person. Nothing has been recovered from the applicant. He is arrested on suspicion. Investigation is completed. The applicant is 20 years of old. He is permanent residence of Nashik. His family is dependent on him. He will co-operate investigation machinery. He will not pressurize witnesses. He is ready to abide by any conditions imposed by the court. He has prayed for grant of bail.

03] Learned APP has filed say at Ex. 04 and I. O. has also filed say at Ex. 05. They have stated that the offence is of serious nature. Test Identification parade is to be done. If the accused is released on bail, he will threat the prosecution witnesses. The informant and witnesses are frightened. There are five criminal cases pending against him of similar nature. That accused will not co-operate in the investigation. There is possibility that he will flee away. Hence, they have prayed for rejection of bail.

04] Heard the learned counsel for accused and learned APP. They have argued as per their stand taken.

05] I have gone through application, say, arguments, documents, police papers. In this case, the muddemal i.e. mobile, cash of Rs.700/- and iron knife is seized. Nothing remained to be seized from the accused. Five crimes of similar nature are pending against him. But, it cannot be a sole ground to reject the bail application as the matter is sub-judice. By imposing stringent conditions, he can be released on bail. Hence, the following order :

ORDER

- 01] Application is allowed.
- 02] Accused namely Sagar Krushna Mali be released on bail on executing personal bond of Rs.50,000/- with solvent surety in the likewise amount in crime No. I-381 of 2022 registered with Panchavati Police Station for the offence punishable under section 392, 397, 323, 504, 506 read with 34 of I.P.C. and Sec. 37(1) punishable with Sec.135 of Maharashtra Police Act.
- 03] The accused shall attend police station, as and when his attendance is required by the I. O.
- 04] He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer to tamper with the evidence.
- 05] He shall not tamper the prosecution evidence in any manner.
- 06] He shall not leave India without permission of this court.
- 07] He shall not commit similar type of offence.
- 08] He shall furnish his detailed address with proof and his mobile numbers.

09] Bail before concerned court of Judicial Magistrate
First Class.

Date : 12.10.2022

(R. R. Rathi)
I/c.Additional Sessions Judge-5,
Nashik.