

Order below Exh.1 in Cri. Bail Application No. 30/2022

Shubham Dadarao Kharat .. Applicant/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Ambad Police Station, Nashik.
(Cr. No.I 353/2021) .. 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 Ambad Police Station, for the offence punishable under section 307, 141, 144, 147, 149 of the Indian Penal code.

2. According to the prosecution, the complainant has lodged report with Police Station on 19.10.2021 alleging therein that on 18.10.2021 around 10.00 pm, he got a phone-call from his friend Kundan Ghule that all the accused persons are chasing his younger son and are armed with deadly weapons. On receipt of the information, he immediately proceeded to search his son. His son was found at Raigad Chawk, Cidco in an unconscious state.

He took his son to the Civil Hospital, Nashik. His son got serious injuries on his head. He further revealed that on 15.10.2021, there was quarrel between his son and the accused persons and so in order to take revenge, the accused persons attempted to kill his son. Based on his report, crime was registered against the accused persons.

3. The learned counsel Mr. Y.B.Adangale appearing for the applicant/accused has argued that the applicant is innocent and has not committed any offence. There is delay of one day in lodging the FIR. He has no criminal antecedents and is taking education. The injured is already discharged. The co-accused are already released on bail and hence ground of parity is available to this applicant. The complainant and injured appeared through their counsel and filed affidavits and thereby submitted that they have no objection if the applicant is released on bail. They further submitted that applicant is one of those persons who helped and rescued him from the accused persons. He is ready to cooperate with the investigation and ready to abide by each and every conditions if any imposed by this Court. Lastly, he prayed for bail to the applicant/accused.

4. The Investigating Officer has strongly opposed the application by filing say at Exh.5 stating that in the statement recorded u/s. 164 of Cr.P.C. the complainant has specifically stated that applicant was one of the accused who chased him

and assaulted the injured with Wooden plank. The applicant is habitual to commit the similar offences and two crimes are already registered against him. They have already seized CCTV footage and the role of the applicant is very clear. He further says that if he is released on bail, he may pressurize the witnesses and tamper with evidence. Hence, lastly prayed for rejection of the application.

The Id. APP Smt. R.M.Kotwal has strongly opposed the application by filing say at Exh.6 thereby stating that the offence is serious in nature. There is a CCTV footage and prima facie involvement of the applicant in the alleged crime is appearing. If applicant is released on bail, there is every possibility that he may tamper the witnesses and would not obey the terms and conditions. Hence, prayed for rejection of the bail.

5. After hearing both sides and on going through the charge-sheet, it appears that there are direct allegations against the applicant that he has assaulted the complainant with Wooden Plank. The investigating officer has also seized CCTV footage to that effect. The complainant has sustained serious injuries. As regards the affidavits are concerned, it shows that the applicant had tampered them. Further, the say of the Investigating Officer reveals that investigation is at fag end and he is about to file charge-sheet. Considering the reason and rising cases of Omicron, Pandemic situation in the Country and Jails are over flooded with the inmates, I am inclined to release

the applicant on bail with stringent conditions :

O r d e r

1. Application is hereby allowed.

2. Applicant/ accused – Shubham Dadarao Kharat shall be released on **regular bail** on furnishing his P.R.bond of Rs.20,000/- with one or more sureties in the like amount, on the following conditions.:-

He shall -

(a) not act in manner injurious to the interest of the prosecution.

(b) furnish the address of his residence, copy of Pan and Adhar card at the time of execution of bond and shall not change the residence without prior permission of this Court.

3. If the applicant/accused commit breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

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

Date : 13.01.2022.

Addl. Sessions Judge-4, Nashik.