

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 42 OF 2022

{Sushant Shantaram Nathe and another vs. The State of Maharashtra
through Upnagar Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicants-accused in Crime No. 180 of 2021 registered with Upnagar Police Station, Nashik for the offences punishable under sections 395 and 394 read with 34 of the I. P. C.

02] The applicant contended that false and fabricated case is registered against them. They have no role in the crime. The other accused are released on bail vide order in criminal bail application no. 1490 of 2021 and 1491 of 2021. Applicants are taking education and have no criminal antecedent. They are in Jail. Nothing remained to be recovered from them. They have deep roots in the society. So, they have prayed for grant of bail.

03] learned APP has filed say at Ex. 4 and I. O. has also filed say at Ex. 05. They have stated that the offence is of serious nature. All the accused committed dacoity of Rs. 5 lacs and gold chain of complainant by using weapon. Applicant Sushant used stick and is recovered from him. They have caused fracture injury to the complainant. Sushant has criminal antecedent. If the accused are released on bail, they may threat the complainant and the witnesses. So, 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. The other main accused nos. 1 to 5 are released on bail vide order in criminal bail application no. 1490 of 2021 and 1491 of 2021. Their role is more or less similar to that of them.

Hence, parity applies. Also, the station diary bearing no. 50 of dated 07.01.2022 shows that the complainant is unable to identify any of the accused or any person. The T. I. P. is not conducted. There is delay of two days which is not explained by the prosecution, in lodging F.I. R. Accused are young. No proof of criminal antecedent of accused has been shown by the prosecution. Accused are entitled for bail. Hence, the following order :

ORDER

- 01] Application is allowed.
- 02] Accused namely Sushant Shantaram Nathe and Akash Govind Rathod be released on bail on executing personal bond of Rs. 15,000/- with one or more surety in the likewise amount each respectively in Crime No. 180 of 2021 registered with Upnagar Police Station, Nashik for the offences punishable under sections 395 and 394 read with 34 of the I. P. C.
- 03] The accused shall attend police station, as and when their attendances is required by the I. O.
- 04] They 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 them from disclosing such facts to the court or to any police officer to tamper with the evidence.
- 05] They shall not tamper the prosecution evidence in any manner.
- 06] They shall not leave India without permission of this court.
- 07] They shall not commit similar type of offence.
- 08] They shall furnish their detailed address with proof and their mobile numbers.
- 09] Bail before concerned court of Judicial Magistrate First Class.

Date : 15.01.2022

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

