

CNR No. MHNS010004402022

Order below Exh.1 in Cri. Bail Application No.169/2022.
(Ablu Mukunda Fasale Vs. State)

The present second application is moved by the applicant-accused Ablu Mukunda Fasale for releasing on bail under section 439 of Cr.P.C., in connection with CR No.430/2021 registered with Harsul Police Station for the offence U/sec. 307, 326,325,504 r.w.s.34 of Indian Penal Code, (hereinafter referred to as “the IPC” for short)

2. It is stated in the application that earlier bail application bearing Cri. Bail Application No.18/2022 was rejected on the ground that the investigation is in progress, charge-sheet is yet to be filed and the injured sustained grievous injuries. It is further stated that applicant-accused is ready to abide all conditions laid down by this court. Two months have been passed since his arrest. He will not commit similar type of offence. He will not pressurize the prosecution witness, these and other grounds set out in the application, prayed to release on bail.

3. Application is opposed by the State. I.O. is present and filed his report.

4. The learned APP submitted that nature of injuries are serious. Applicant-accused and injured are residing in same village and therefore, there are chances that he will pressurize the witnesses. Hence, opposed the application.

5. Perused the record. Heard both the sides.

6. It is stated by the I.O. that charge-sheet is filed on 11.2.2022 in the court bearing RCC No.420/2022. Injured are

discharged from the hospital and is not readmit in the hospital. On considering the fact of the case that the alleged incident took place on spur of moment. Applicant-accused is villager and residing in remote area of district Nashik. He is agriculturist. Thus, considering the fact that charge-sheet is filed and it will take time to commence the trial, no purpose will be served by keeping the applicant-accused behind the bar. Necessary conditions can be laid down so that apprehension expressed by the learned APP can be taken care of. In the result, following order is passed.

ORDER

1. Bail Application No.169/2022 is allowed.
2. Applicant-accused Ablu Mukunda Fasale be released on bail on execution of P.R. bond of Rs.30,000/- with one or two sureties in like amount.
3. He shall not tamper the prosecution witnesses in any manner and shall remain present in the court on given dates.
4. He shall furnish his address proof and mobile number of his two relatives.
5. In the event of breach of any of the conditions, his bail bonds shall be liable to be cancelled.
6. Bail in lower Court.

Date- 15.02.2022

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