

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 149 OF 2022

{Ajay alias Bala Sukhdev Sonawane vs. The State of Maharashtra
through Nashik road Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicant-accused in crime No. 289 of 2021 registered with Nashik road Police Station, Nashik for the offences punishable under sections 307, 323 and 504 read with 34 of the IPC.

02] The applicant contended that false and fabricated case is registered against him. He is permanent resident of the address mentioned in the application. He is falsely implicated in the crime. He has no concerned with the crime. There is delay of one day in lodging F. I. R. The complainant and the accused are friends. He is the only bread earner of his family. He is not habitual criminal. He has no criminal antecedent. Other accused of this crime is released on bail. Section 307 of the IPC is not applicable to him. If the accused is released on bail, he will cooperate the investigation machinery. The investigation is completed. So, 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. The accused stabbed knife into the stomach of the complainant and accused no. 1 instigated him to do the same. If the accused is released on bail, he will threat the complainant and the witnesses and will abscond. 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. There is prima-facie case against the accused. The role of present accused is specific. He tried to kill the complainant.

He stabbed knife on the stomach of the complainant and sustained grievous injury to him. The offence is of serious nature and the punishment is severe. The record also shows that on the same day, the present accused was also injured and sustained grievous injury. He also filed cross-complaint which was registered by police vide Crime No. 288 of 2021 with Nashik road Police Station under sections 324, 323 and 504 of the I. P. C., instead under section 326 of the I. P. C. The complainant is released on bail. The accused no. 2 who instigated the offence is released on bail vide order in Criminal Bail Application no. 1506 of 2021. These factors are in favour of the accused. Earlier the bail application was rejected only on the ground that the investigation is going on. Now, the investigation is completed and the complainant appeared to be discharged from the hospital. May be one crime is pending against the accused. But, he is released on bail in that crime. Accused is entitled for bail on suitable terms and conditions. Hence, the following order.

ORDER

- 01] Application is allowed.
- 02] Accused namely Ajay alias Bala Sukhdev Sonawane be released on bail on executing personal bond of Rs. 15,000/- with one or more surety in the likewise amount each in crime No. 289 of 2021 registered with Nashik road Police Station, Nashik for the offences punishable under sections 307, 323 and 504 read with 34 of the IPC.
- 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 : 05.02.2022

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