

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 146 OF 2022

{Ajay Murlidhar Gujjar vs. The State of Maharashtra through Mhasrul
Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicant-accused in crime No. 161 of 2021 registered with Mhasrul Police Station, Nashik for the offences punishable under sections 395 and 341 of the IPC.

02] The applicant contended that false and fabricated case is registered against him. He is innocent person. He is falsely implicated in the crime. FIR is registered unknown person. The alleged sections are not attracted against him. There is one day delay in lodging F. I. R. He has no criminal antecedent. Nothing remained to be recovered from him. The other co-accused Karan Sharma is released on bail. Hence, parity applies. 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 present accused is the main accused in the case. As the complainant has not purchased the pigs from him and purchased it from the brother of the accused. Hence, he got angry and committed the crime. The test identification parade of the accused is conducted. The witnesses have identified the accused. The investigation is going on. The motor cycle and the jacket is recovered from the accused. If he is released on bail, he will threat the prosecution witnesses. Also, police want to investigation who others were involved in the crime. 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.

As per prosecution, he is the main accused. He has not used any weapon in the crime. There is delay in lodging F. I. R. and it is not explained. He has no criminal antecedent. The other accused Karan Sharma is released on bail. Hence, parity applies. He is entitled for bail on suitable terms and conditions. Hence, the following order :

ORDER

- 01] Application is allowed.
- 02] Accused namely Ajay Murlidhar Gujjar 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. 161 of 2021 registered with Mhasrul Police Station, Nashik for the offences punishable under sections 395 and 341 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 : 08.02.2022

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

