

**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 170 OF 2022**

{Akshay Prakash Shinde and another vs. The State of Maharashtra
through Mumbai Naka Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicants-accused in Crime No. 326 of 2021 registered with Mumbai Naka Police Station, Nashik for the offences punishable under sections 307, 324, 143, 144, 147, 148, 149, 504 and 506 of the I. P. C.

02] The applicants contended that false and fabricated case is registered against them. They are not concerned with the crime. There was counter case against each other. They were also injured. All weapons are recovered and nothing remained to be recovered from them. They have not caused any grievous injury to the complainant or the prosecution witnesses. Their family is dependent on them. They are ready to abide by any conditions imposed by the court. 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 formed unlawful assembly and committed the offence. Accused and complainant and witnesses are resident of same village. If they are released on bail, they treat the complainant and the witnesses. They may again commit same type of offence. One crime under section 323, 504 and 506 of the IPC is registered against accused Akshay. 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. Counsel for the accused relied on several documents and the case laws. I have gone through the same.

05] I have gone through application, say, arguments, documents, police papers and cited case laws. There is prima-facie case

against all the accused. The main role is of other accused. The role of present accused is limited and they have used sticks and caused simple hurt to the witnesses. The medical certificate of those witnesses is not on record. The accused are in Jail from more than two months. Nothing remained to be recovered from them. The pending crime against accused Akshay is not of serious nature. Looking to the limited role of the accused, he is entitled for regular bail on suitable terms and conditions. Hence, the following order :

ORDER

- 01] Application is allowed.
- 02] Accused namely Akshay Prakash Shinde and Ganesh Narendra Zalte be released on bail on executing personal bond of Rs. 25,000/- with one or more surety in the likewise amount each respectively in Crime No. 326 of 2021 registered with Mumbai Naka Police Station, Nashik for the offences punishable under sections 307, 324, 143, 144, 147, 148, 149, 504 and 506 of the I. P. C.
- 03] The accused shall attend police station, as and when their attendances are 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 : 10.02.2022

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

