

**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION**  
**NO. 153 OF 2022**

{Azar alias Ajju Mukhatar Shaikh and another 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 applicants-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 applicants contended that false and fabricated case is registered against them. They are innocent persons. They are falsely implicated in the crime. FIR is registered unknown person. The alleged sections are not attracted against them. There is one day delay in lodging F. I. R. They have no criminal antecedent. Nothing remained to be recovered from them. The other co-accused Karan Sharma is released on bail. Hence, parity applies. So, they have prayed for grant of bail.

03] learned APP has filed say at Ex. 05 and I. O. has also filed say at Ex. 06. They have stated that the offence is of serious nature. 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 they are released on bail, they will threat the prosecution witnesses. 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. But, their roles are limited. They have not used any weapon in the crime. They are not the main accused as per the police. They have no criminal antecedent and are young. The other accused Karan Sharma is released on bail. Hence, parity applies. They are entitled for bail on

suitable terms and conditions. Hence, the following order :

**ORDER**

- 01] Application is allowed.
- 02] Accused namely Azar alias Aju Mukhatar Shaikh and Shankar Hiranman Pawar 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. 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 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 : 08.02.2022

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