

**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 224 OF 2022**

{Dada alias Gatlu Rajaram Wagh vs. The State of Maharashtra through
Panchavati Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicant-accused in crime No. 04 of 2022 registered with Panchavati Police Station, Nashik for the offences punishable under sections 302 read with 34 of the I. P. C.

02] The applicant contended that false and fabricated case is registered against him. There is two days delay in lodging F. I. R. The informant is not eye witness to the incident. The F. I. R. shows that the accused made repeated telephone but, informant has not paid any hide. His conduct is bonafide. The accused is not treated as eye witness. No weapon is to be recovered from him. Investigation is almost completed. Accused has no criminal antecedent. He is ready to abide by any conditions imposed by the court. 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. 5. They have stated that the offence is of serious nature. The accused took the deceased for painting work and killed him. He was last seen with the deceased. If he is released on bail, then, he may threat prosecution witness and tamper the prosecution evidence. 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. There is evidence of last seen against the accused and also of phone call regarding the deceased to the witnesses. He never approached the police. His conduct is not natural. But, he claims that he is eye witness and his conduct is natural. The prosecution's case ruled out such

possibility. There is evidence against the accused. The offence is of murder. The investigation is going on. If the accused is released on bail, then, there are chances that he will threaten prosecution witness and tamper the prosecution evidence. The offence is punishable with death or imprisonment for life. Blood stained clothes are seized from the accused and the C. A. report is yet to come. Considering the same, he is not entitled for bail. Hence, the following order.

ORDER

Application is rejected.

Date : 03.03.2022

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