

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 215 OF 2022

{Dutta Sarang Kute and another vs. The State of Maharashtra through
Adgaon Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicants-accused in crime No. 06 of 2022 registered with Adgaon Police Station, Nashik for the offences punishable under sections 392, 394, 504, 506 read with 34 of the I. P. C. and Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

02] The applicants contended that false and fabricated case is registered against them. They are local resident of Nashik and having movable and immovable property. They have no criminal antecedent. They have not concerned with the crime. There is delay in lodging F. I. R. The alleged sections are not attracted against them. Nothing has been recovered from the accused. They are the only bread earners of their family. They are ready to abide by any conditions imposed by the court. If they are released on bail, they will cooperate the investigation machinery. They have prayed for grant of bail.

03] APP filed say at Ex. 04 and I. O. filed say at Ex. 05. They have stated that the offence is of serious nature. If the accused are released on bail, they may threat the witnesses and may abscond. The accused have confessed 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. The complainant appeared and filed his say and opposed the bail application. His counsel strongly objected the bail application as per the stand taken by the prosecution.

05] I have gone through application, say, arguments, documents, police papers. This is regular bail application. The accused were arrested and taken in Police custody. The amount of robbery is

only of Rs. 6,00/- and nothing has been recovered from the accused. The offence under section 3(1)(r)(s) of the Atrocities Act are not attracted because the offence is not in public view. The F. I. R. does not reflect that the abuses were given in presence of independent public witness. There is delay in lodging F. I. R. Their appears to be some business transaction between the accused and the complainant. Accused has no criminal antecedent. He is entitled for conditional bail. Hence, the following order:

ORDER

- 01] Application is allowed.
- 02] Accused namely Dutta Sarang Kute and Kalpesh Duttatray Shinde 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. 06 of 2022 registered with Adgaon Police Station, Nashik for the offences punishable under sections 392, 394, 504, 506 read with 34 of the I. P. C. and Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
- 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.

Date : 21.02.2022

(R. R. Rathi)
Special Judge,
Nashik.

