

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK

AT – NASHIK.

(Presided over by Mr. M. H. Shaikh)

Criminal Bail Application. No.168 of 2022

CNR NO.MHNS010004282022



Dnyaneshwar @ Nanaya Narayan Ump

Age : 20 years, Occu.: Labour work

R/o : Aringale Mala, Eklahara Road,

Tal. & Dist. Nashik.

... Applicant

V/S

State of Maharashtra

Through Nashik Road Police

Station.(C.R. No.I-295/2021)

... Respondent.

Appearance :

Ld. Adv. Shri. Siddhant B. Jagtap for Applicant.

Ld. A.P.P. Sachin Gorwadkar for Respondent.

Shri. N. D. Gosavi, PSI (I.O.) present.

ORDER BELOW EXH. NO.1

(Delivered on 23rd February, 2022)

1. Read the application and say filed by the respondent vide Exh.4. Heard Ld. Advocate for the applicant, Ld. A.P.P. for the State and the I.O. present in the Court in person.

2. Crime stood registered bearing C.R. No.I-295 of 2021 with the respondent Nashik Road Police Station for an offence punishable under Sections 302 & 504 r/w 34 of the Indian Penal Code for committing murder of one Charanjeet Gray.

3. It is the case of the prosecution that, on 31.10.2021 at about 02.45 p.m. near Hotel Mohit Park, Eklahara, Nashik-Road, the incident had taken place. The complainant is the brother of deceased. Applicant, co-accused and the deceased were under the influence of liquor and quarreling with each other and the deceased took the shockupobserve to beat the applicant and the co-accused, at that time the applicant and the co-accused assaulted the deceased with knife on his neck.

4. It is the case of the applicant that, he is innocent and falsely implicated in this case. Investigation is completed. Charge-sheet is filed and is before the Committal Court. There is different versions of the witnesses. There is no criminal antecedents. Applicant is young and a labourer. Therefore, prayed to allow the application on any terms and conditions.

5. Respondent objected by saying that the offence is serious in nature and the applicant may pressurizing the complainant and the witnesses. Therefore prayed to reject the application.

6. Heard Ld. Adv. for the applicant and Ld. A.P.P. for the State.

7. Upon hearing and going through the material placed on record, so also the police-papers produced for inspection by the I.O., what can be gathered is that, the incident occurred when the deceased, the applicant and the co-accused all were under the influence of liquor and they quarreled with each other and as the deceased took the shockupobserve to beat the applicant and co-accused, at that time the applicant and the co-accused assaulted the deceased on his neck by the knife, in which, the deceased succumbed to the injuries. Perusal of the police-papers reflects that the knife came to be seized under the

panchanama. The witnesses statements are recorded. Perusal of the statements reflect that the alleged murder has been committed by the applicant and the co-accused. The offence is serious in nature and possibility of pressurizing the complainant and the witnesses and tampering the evidence can not be ruled out. In the result, the discretion can not be invoke in favour of the applicant. Hence, the order.

ORDER

Criminal Bail Application No.168/2022 stands rejected and disposed off accordingly.

Place : Nashik.
Date : 23/02/2022

(M. H. Shaikh)
Additional Sessions Judge, Nashik.