

**Order Below Exh.1 in**  
**Cri.B.Appln.No.164/2022**  
Fakir Datta Sawant Vs. State.

**Heard:** Ld.Adv. Mr. A. K. Kale for the applicant.  
Ld. A.P.P. Ms. S. S. Sangale for the State.

1. This is an application under section 439 of the Code of Criminal Procedure in Crime No.349/2014 registered at Police Station, Sarkarwada for the offence under sections 438, 395, 397 r/w Sec.34 of the Indian Penal Code. It is the case of prosecution in brief that the accused/applicant (along with the co-accused), robbed two people on 27/11/2014 at about 2.00 p.m.

2. Ld. Adv. for the applicant has submitted that the FIR is false. The applicant has been falsely implicated because the complainant is very well-connected and is a journalist. The incident has been exaggerated. It was merely a public brawl. All the other co-accused with similar roles have been released on bail. Therefore, the applicant should also be released on the ground of parity. Investigation is over and charge-sheet has been filed. The applicant was working in Gujarat and was not aware that an offence has been registered about the incident. He is ready to abide by the terms and conditions imposed by the Court.

3. Per contra, Ld. A.P.P. has opposed the application on the ground that the applicant was absconding for almost seven years. There are other offences of similar nature pending against him. If the applicant is released on bail, there are chances of his absconding again.

4. Investigation is over and charge-sheet has been filed. Offence is not punishable by life imprisonment/death. All the other

co-accused with similar roles have been released on bail. Applicant is ready to abide by the terms and conditions imposed by the Court. In view of the foregoing discussion, I am inclined to allow the application subject to the following terms and conditions.

**ORDER**

- 1] Application is hereby allowed.
- 2] Applicant Fakir Datta Sawant be released on bail by executing P.R. and S.B. of ₹30,000/- with one or two local solvent sureties of like amount.
- 3] Applicant shall not directly or indirectly, make any inducement, threat or promises to any person acquainted with the facts of accusation, so as to dissuade him/her from disclosing such facts to the Court or to the police officer and shall not tamper with the prosecution evidence in any manner.
- 4] Applicant shall not commit any offence and shall attend all dates of hearing.
- 5] Applicant is duty bound to inform the I.O. and the court about his change of address, if any.
- 6] Applicant shall furnish residence and ID proof of two blood relatives to the I.O.

Date: 23.02.2022  
Nashik

Mridula Bhatia  
District Judge -2 and  
Addl.Sessions Judge, Nashik.