

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 139 OF 2022

{Kishor Yashwant Mahale Vs. The State of Maharashtra through
Mumbai Naka Police Station}

This is an application under section 438 of the Criminal Procedure Code, 1973 for grant of anticipatory bail in crime no. 27 of 2022 registered with Mumbai Naka Police Station under sections 307, 341, 143, 144, 148, 149, 504 and 506 of the I. P. C.

02] The applicant contended that false and fabricated case is registered against him. His name is including in the crime only due to malice. He was not present at the time of offence. His family is dependent on him. He is ready to abide by any conditions imposed by the court. Hence, he has prayed for grant of anticipatory bail.

03] APP filed say at Ex. 10 and I. O. filed say at Ex. 11. They have stated that the offence is of serious nature. The accused committed the offence in furtherance of their common intention. The custodial interrogation of the accused is required. The other accused are yet to be arrested. If he is released on bail, he may threat the prosecution witnesses. Hence, they have prayed for rejection of bail.

04] Heard the learned counsel for the accused and learned APP. They have argued as per the above stand taken.

05] I have gone through application, say, arguments and Police papers. The accused was granted with interim bail and he attended the police station and not jumped the bail. His role is very limited in the crime. He has not used deadly weapon and is not the author of the injuries to the complainant/injured. For arresting other accused, his custody is not necessary. The weapons are seized from the spot. He has no criminal antecedent. Looking to the same, he is entitled for anticipatory bail. Hence, the following order.

ORDER

- 01] Application is allowed.
- 02] In the event of arrest, the applicant namely Kishor Yashwant Mahale be released on bail on executing personal bond of Rs. 15,000/- with one or more surety in the likewise amount each in crime no. 27 of 2022 registered with Mumbai Naka Police Station under sections 307, 341, 143, 144, 148, 149, 504 and 506 of the I. P. C., to the satisfaction of I. O.
- 03] He shall attend police station on dated 14.02.2022 to 15.02.2022 in between 11.00 a.m. to 02.00 p.m. and help to the Police in investigation and should attend the police station, as and when his attendances is required by the I. O.
- 04] He 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 him from disclosing such facts to the court or to any police officer to tamper with the evidence.
- 05] He shall not tamper the prosecution evidence in any manner.
- 06] He shall not leave India without permission of this court.
- 07] He shall not commit similar type of offence.
- 08] He shall furnish his detailed address with proof and his mobile number.
- 09] Inform the concerned Police station accordingly.

Date : 11.02.2022

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