

**Criminal Bail Application No.142/2022**

CNR No. MHNS010003422022

[*Nakul Ravindra Pardeshi Vs. State*]

**Order below Exh.1.**

This is application for regular bail U/s. 439 of Cr.P.C. in Cr.No.I-59/2021 of Mhasrul P. S., for offences punishable under Sections 395, 394, 341 r.w. 34 of I.P.C., on the basis of FIR lodged by Rajendra Pandharinath Benake contending therein that on 21.3.2021 at 3.00 a.m., when he was near Rangoon Dhaba, he was robbed by four unknown persons to the tune of Rs.5,000/- and mobile and other documents.

2. Bail application is filed on the ground that the applicant is innocent and has been falsely implicated in the case. That FIR is against unknown person. Co-accused are released on bail. Investigation is completed and charge-sheet is filed. That nothing is to be recovered or discovered at the instance of applicant. There is no necessary of custodial interrogation of applicant. He is permanent residence of Nashik. He will co-operate with investigation machinery. On these main grounds and others has prayed for bail.

3. Notice was issued to State. State appeared through Ld. APP Mr. Kotwal and filed say resisting for grant of application on the grounds that offence is serious one. There are criminal antecedents against accused. Weapon used in offence is seized from the accused. If released on bail, he will commit same type of offence in future and will not have any fear for law. He will pressurize

witnesses. On these main grounds and others have prayed for rejection of bail application.

4. Heard Ld. Advocate Mr.Desale for applicant. Perused bail application. Heard Ld. APP Mr.Kotwal. Perused say filed by Mhasrul police station.

5. On perusal of F.I.R. as well as case papers, it is apparent that, the informant who is truck driver was proceeding in his truck on 21.3.2021 and he was stopped by one two wheeler having registration No.754. The FIR further states that one unknown person climbed from left side. The other two persons climbed from right side and on threatening he handed over amount of Rs.5,000/-, his wallet containing documents. He was also threatened by knife and inflicted injury on his left shoulder.

6. It is but natural that the FIR will not mention the names of the accused persons as they were unknown. On perusal of FIR, description of the accused person is not given. The present applicant came to be arrested on 23.3.2021. There is recovery of knife from the present applicant. The police report also shows apart from present crime, following crimes are registered against the present applicant.

Sr.Nos.	Police Station	Cr Nos. and Sections
01	Panchavati police station	I-296/2016 u.s. 302, 307, 323, 143, 144, 147, 148, 149, 120B, 212 of IPC
02	Panchavati police station	I-39/2017 u.s. 307, 323, 506 r/w 34 of IPC and Sec.135 of

		Maharashtra Police Act
03	Panchavati police station	I-491/2018 u.s. 353, 332, 285, 143, 147, 504, 506 of IPC and Sec.135 of Maharashtra Police Act
04	Ambad police station	I-542/2020 u.s. 4/25 of Arms Act and Sec.135 of Maharashtra Police Act
05	Ambad police station	I-107/2021 u.s. 395, 394, 341, 427, 323, 506, 201, 212 r/w 34 of IPC

7. There are criminal antecedents against the accused. The offences registered against the accused are against human body and property. The offences are punishable with death or imprisonment for life. The weapon used in offence is seized from the accused. The prime role is attributed to the present accused and hence, the accused is not be entitled to released on the ground of parity. Even the present applicant is an accused case under Maharashtra Control of Organized Crime Act, 1999. Thus, it will not be appropriate to exercise discretion in favour of the applicant. Hence, I proceed to pass following order.

### **ORDER**

1. The application stands rejected.

Nashik.

( V. P. Desai)

Date : 11/02/2022

Additional Sessions Judge, Nashik.