

Order below Exh.1 in Cri. Bail Application No. 282/2022

- 1) Abdul Ajj Mohabbatali Khan .. Applicant/
2) Mahiuddin Mumtajali Khan. Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Satpur Police Station, Nashik.
(Cr. No.I 198/2021)

.. Prosecution

Order below Exh.1.

1. This application has been filed by the applicants/accused under section **439 of Cr.P.C.** for releasing them on **regular bail** in the aforesaid Crime registered at Satpur Police Station, for the offence punishable under section **395, 412, 427 of IPC.**

2. According to the case of the prosecution, the FIR was lodged on 10.12.2021 by one Jaydeo Kisan Jadhav, Watchman working at Garge Studio, Belgaon-Dhaga alleging therein that on 10.12.2021, early morning around 02.30 am, some 8 to 10 unknown persons entered the said Studio forcefully, armed with weapons and committed dacoity. They have threatened the complainant of dire consequences on the point of weapon similar to Koyata and robbed bronze sculptures, Idols worth Rs.8,40,000/-.

Based on his report, the offence was registered and accused were arrested on suspicion on 14.12.2021 and now they are in judicial custody.

3. The learned counsel Mr. F. A. Inamdar appearing for the applicants/accused has argued that the applicants are innocent and have not committed any offence. Their names are not mentioned in the FIR, they were arrested on suspicion. During custodial interrogation, nothing was seized from them and as such, they have no concern with the alleged offence. There is delay in lodging the FIR. The applicants have no history of criminal antecedents. The muddamal is already recovered. The applicants are doing labour work and are maintaining their family. Lastly, he prayed for bail to the applicant/accused.

In support of his contentions, he has relied on the reported case in **Mahesh Arun Dhaware Vs. The State of Maharashtra**, 2021 ALL MR (Cri) 4255 and submitted that as applicant have no criminal antecedents, they are entitled to be released on bail.

4. The investigating officer appeared and filed his reply vide Exh.5 and strongly opposed the application on the ground that applicants may pressurize the witnesses and may tamper with evidence, if released on bail. The offence is of serious nature. Some of the accused are still absconding and investigation is in progress. During interrogation, the applicants have not cooperated. If applicants are released on bail, there is every possibility that they may abscond. They are from other State. Hence, prayed for rejection

of the application.

The ld. APP Smt. R.Y.Jadhav has strongly opposed the application vide her reply Exh.7 thereby submitting that offence is of serious nature and they are not entitled to be released on bail. Some of the accused are still absconding. The investigation is still going on. Hence, prayed for rejection of the bail.

5. After hearing both the sides and going through the papers, prima facie, it appears that the police have recovered articles from the Godown of the applicants. Prima facie, there appears sufficient evidence against the applicants. The offence is not punishable with life or death. As investigation is over and charge-sheet is filed, their further detention is not necessary. Considering the nature of offence, there is least possibility of commencing the trial in future, I am inclined to release the applicants on bail with stringent conditions. Hence, following order.

Order

1. Application is hereby allowed.

2. Applicants/ accused – Abdul Ajj Mohabbatali Khan and Mahiuddin Mumtajali Khan shall be released on **regular bail** on furnishing their P.R.bond of Rs.25,000/- each with one or more sureties in the like amount, on the following conditions:-

They shall -

(a) not act in manner injurious to the interest of the prosecution.

(b) furnish the address of their residence, copy of Pan and Adhar card at the time of execution of bond and shall not change the residence without prior permission of this Court.

3. If the applicants/accused commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

(Smt. S.S. Nair)

Date : 17.03.2022.

Addl. Sessions Judge-4, Nashik.