

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 244 OF 2022

{Akash Devidas Wagh vs. The State of Maharashtra through Adgaon
Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicant-accused in crime No. 03 of 2022 registered with Adgaon Police Station, Nashik for the offences punishable under sections 326, 504 and 506 of the I. P. C.

02] The applicant contended that false and fabricated case is registered against him. There is delay in lodging F. I. R. Accused is in Jail from 05.01.2022 and investigation is almost completed. The injured is out of danger and discharged from the hospital. Nothing remained to be seized from him. He has deep roots in the society. He is ready to abide by any conditions imposed by the court. So, he has prayed for grant of bail.

03] learned APP has filed say at Ex. 04 and I. O. has also filed say at Ex. 5. They have stated that the offence is of serious nature. One crime under section 307 of the I. P., C. is pending against him. If he is released on bail, then, he may threat prosecution witness and tamper the prosecution evidence. Hence, they have prayed for rejection of bail.

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

05] I have gone through application, say, arguments, documents, police papers. There is prima-facie case against the accused. The accused stabbed by knife into the stomach of complainant. The size of injury is 2x2.5 cm. The complainant is out of danger. The weapon is seized. Offence is triable by J. M. F. C. The size of knife is also small. The I. O. has submitted that the investigation is almost over and he is going to file charge sheet. Pending crime against the accused is not ground to reject his bail. Looking to the above facts and as accused is in

Jail for almost 50 days, he is entitled for bail. Hence, the following order.

ORDER

- 01] Application is allowed.
- 02] Accused namely Akash Devidas Wagh 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. 03 of 2022 registered with Adgaon Police Station, Nashik for the offences punishable under sections 326, 504 and 506 of the I. P. C.
- 03] The accused shall attend police station, as and when his attendance 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 numbers.
- 09] Bail before concerned court of Judicial Magistrate First Class.

Date : 25.02.2022

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