

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 232 OF 2022

{Charansing Uttamsing Sikhalkar vs. The State of Maharashtra through
Panchavati Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicant-accused in crime No. 41 of 2022 registered with Panchavati Police Station, Nashik for the offences punishable under sections 454, 380, 411 read with 34 of the I. P. C.

02] The applicant contended that false and fabricated case is registered against him. He is falsely implicated in the crime. Sections 454 and 380 of the I. P. C. are not attracted against him. There is one day delay in lodging F. I. R. Nothing remained to be seized from him and his custody is not required. If he is released on bail, he will cooperate the investigation machinery. 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. The other accused is yet to be arrested. The investigation is going on. If he is released on bail, there will be no threat on him and he may again commit similar offence. Hence, he has 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. The name of the accused is revealed from the co-accused. As per I. O., he sold the theft articles to the goldsmith and the same is recovered and seized. Some theft articles are yet to be recovered. Very surprisingly, the I. O. has not recorded the statement of the goldsmith nor conducted the test identification parade of the accused. The evidence against the accused appears to be weak. The

accused has no criminal antecedent. He is entitled for conditional bail.
Hence, the followin order.

ORDER

- 01] Application is allowed.
- 02] Accused namely Charansing Uttamsing Sikhalkar be released on bail on executing personal bond of Rs. 20,000/- with solvent surety in the likewise amount each in crime No. 41 of 2022 registered with Panchavati Police Station, Nashik for the offences punishable under sections 454, 380, 411 read with 34 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 : 23.02.2022

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