

Order below Exh.1 in Cri. Bail Application No.267/2022.

[Karim Lala @ Abdul Karim Mohd. Iqbal Ansari Vs. State]

This is a second bail application moved by the applicant-accused Karim Lala @ Abdul Karim Mohd. Iqbal Ansari for releasing on bail under section 439 of Cr.P.C., in connection with CR No.876/2021 registered with Trimbkeshwar Police Station for the offence U/sec. 307 r.w.s.34 of Indian Penal Code. Alleged incident has been occurred on 18.11.2021. Crime is registered on 19.11.2021. Applicant-accused is arrested on 10.12.2021 and at present applicant-accused is in MCR.

2. It is stated in the application that applicant-accused is no way connected in commission of present crime. There is no active role in commission of present crime. On the contrary, first informant is Hypocrite and deceiver and under pretext of having supernatural powers has extracted money from the people by pretending to give solutions to the problems of the people and has defrauded the people at large and therefore, some of the victims who have been cheated by the first informant might have assaulted him. It is stated that investigation is for all purpose is completed. Weapons used in the crime are recovered, spot panchanama was prepared, statement of witnesses are recorded, T.I. parade was done and now the charge-sheet is filed in the court. Applicant-accused is ready to abide all conditions laid down by this court. Hence, prayed to grant bail on the grounds set-out in the application.

3. Application is strongly opposed by the State by filing say/report and submitted that, the role of the applicant-accused is that he is involved in criminal conspiracy with accused No.1 and

taking into confidence to the accused No.3 and 4 of promising to pay Rs.60,000/- each and also pay Rs.25,000/- as an advance and also made available a motorcycle to commit deadly assault on first informant. The investigation though completed, however, the injured has suffered multiple grievous injuries, which shows the intention on the part of the accused persons that they want to brutally murder the first informant. It was pre-planned and cold blooded crime. Hence, prayed to reject the application.

4. Perused the record. Heard, both sides. Learned counsel Shri. Uttam Kadam for the applicant-accused submitted that no active role is described of the present applicant-accused in the present crime. He has been falsely implicated with other accused. He also pointed out from the FIR itself that first informant is taking regular seating from 9.00a.m. to 6.00 p.m. as 'Baba' and giving solutions to the people visiting him. There is no evidence against him to implicate him in present crime. He further submitted that injured is discharged from the hospital and investigation is completed and charge-sheet is filed in the court. He is ready to abide all conditions laid down by this Court. Hence, prayed to allow the application.

5. The learned APP Shri. Suryavanshi objected the application and argued that applicant-accused has played vital role as a middle man with his help accused No.1 had carried out his plan and commission of the said offence. The accused No.3 and 4 have played active role by inflicted deadly weapons on the first informant. Hence, prayed to reject the application.

6. On perusal of the entire charge-sheet placed before me, it is revealed that the present applicant-accused is the master mind

behind the said cold blooded serious attack on the injured. The statement of witness Asif Iqbal Shaikh pointed out that, the present accused had instigated this witness to attack on the first informant, however, he refused the same. Even after one day prior to the incident, he had obtained the motorcycle of this witness and used the same for commission of the crime. Thus, this is sufficient evidence against the applicant-accused that he had committed conspiracy alongwith other accused to commit the present crime and consequently the serious attack had taken place on the first informant. Therefore, considering the role played by the present applicant-accused even though the charge-sheet is filed no case for bail is made out. Hence, following order is passed.

ORDER

- 1) Bail application No.267/2022 is hereby rejected.
- 2) Inform concerned police station.

Date- 05.03.2022

(M. A. Shinde)
Additional Sessions Judge-8,
Nashik.