

**CNR No. MHNS010007302022**

**Order below Exh.1 in Cri. Bail Application No.247/2022.**  
( Mahadeo Devidas Bagade Vs. State )

The present application is moved by the applicant-accused Mahadeo Devidas Bagade under section 439 of Cr.P.C. in connection with CR No.9/2022 registered with Igatpuri Police Station, Dist. Nashik for the offence U/s. 302,307,452,427,143, 147,148,323,504,506 r.w.s. 149 of the Indian Penal Code, section 37(1)(3) r.w.s.135 of the Maharashtra Police Act and section 4/25 of the Arms Act.

2. It is stated in the application that, incident took place on 28.1.2022, the offence registered on 29.1.2022. The present applicant-accused was arrested on 15.2.2022 and he was granted Police custody till 18.2.2022 and since then he is in Magisterial custody. Applicant-accused has stated that he is graduate and is working as an Accountant with a Contractor of Samruddhi Mahamarg Project. His father is retired railway officer. His antecedents are clean. Nothing was seized from him. Applicant-accused was arrested on suspicion. There is no overt act attributed to him. He will not abscond, these and other grounds set out in the application, prayed to allow the application.

3. Application is opposed by the State by filing report dated 24.2.2022.

4. Perused the record. Heard, both the parties.

5. The learned counsel for applicant-accused Shri. V.R. Agrawal has submitted that, name of the present applicant-accused is nowhere mentioned in the FIR. No overt act is attributed to him. He was not present on the spot of incident on the relevant date,

time and place. Therefore, he prayed to allow the application.

6. On the other hand, learned APP Shri. Suryavanshi has submitted that the said incident had occurred on day time, 30 to 40 persons have collectively assaulted the son of first informant and his friends and in the said incident one Rahul Ramesh Salve was murdered and the son of first informant sustained serious injuries. He further submitted that investigation is in progress, only 7 accused have been arrested out of them two are Juveniles. The rest of the accused are to be arrested. He also pointed out CDR record of the applicant-accused showing that he was present on the spot of incident and also statement of eye witnesses who named the present applicant-accused who was accompanied with other accused with weapons and was proceeding towards Gaikwad Nagar i.e. the spot of incident. Therefore, prayed to reject the application.

7. On perusal of the record, particularly the FIR shows that the incident took place on 28.1.2022 at about 3.30 to 3.40 p.m. on that day one another incident had occurred in the morning time at about 9.30 to 10.30 a.m. The 10 to 15 motorcycles riders were proceeded towards the house of first informant. They pelted stones on the house and thereafter they left the said place. Therefore, the first informant alongwith other persons accompanied to her had approached to Igatpuri police station to report the matter, however, while she was reporting the said incident to police, they came to know that the persons from Nandgaon sado village, Tal. Igatpuri, Dist. Nashik were proceeding towards her house. They were holding stick, sword, knife in order to attack her family members. Therefore, first informant and other persons accompanied to her were proceeded to the house from the

police station. However, they were obstructed by the said mob and brutally assaulted and in the said incident Rahul Ramesh Salve scummed to the injuries and Francis @ Kavu Patrik Manvel had sustained serious injuries alongwith other persons accompanied to the first informant. The mob also damaged six motorcycles and three vehicles and house in the area by pelting stones.

8. It is also matter of record that two Juveniles were apprehended and produced before Juvenile Justice Board, five accused persons including present applicants-accused were arrested by police, rest of the accused persons are still absconding. Police are searching for them, investigation is in progress and is at its initial stage. It is stated at bar by the learned APP that the accused No.1 Hari Bhandari was yesterday arrested by the police and today he is produced before the learned JMFC, Igatpuri for remand and I.O. is attending the court for the custody of accused No.1.

9. So far as non mentioning role of applicant in the FIR is concerned, recently it is held by the Hon'ble Supreme court in **M/s. Neeharika Infrastructure Pvt. Ltd. Vs State of Maharashtra and others in Criminal Appeal No.330/2021** that,

*“First information report is not encyclopedia, which must disclose all fact in detail relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation”.*

10. Therefore, though the names of present applicant-accused is not found in the FIR, it must be kept in mind that near about 30 to 40 persons attacked on the persons accompanied the

first informant. So far as the role of the present applicant-accused is concerned the document submitted by the police discloses that the applicant-accused was present on the spot at the time of incident and was member of unlawful assembly who were holding deadly weapon with them and murdered the Rahul Salve.

11. Thus, considering this serious situation and the stage of the investigation of present crime, it would not be proper to release the applicant-accused on bail. In the result, following order is passed.

**ORDER**

- 1) Bail application No.247/2022 is hereby rejected.
- 2) Inform to concern police station accordingly.

Date- 24.02.2022

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