

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,
AT – NASHIK.

(Presided over by Mr. M. H. Shaikh)

Criminal Bail Application No.262 of 2022

CNR No.MHNS010008092022



Prem Sudhakar Pawar

Age : 22 years, Occ : Labour work

R/o : Lokhande Mala, Behind Omkar

ServicesCenter, Nashik-Road,

Nashik.

.. Applicant/Accused

V/S

State of Maharashtra

Through – PI, Upnagar

Police Station (C.R. No.I-18/2022) .. Respondent/State

Appearance :

Ld. Adv. Shri. Rajendra D. Avhad for Applicant/Accused.

Ld. A.P.P. Shri. Sachin Gorwadkar for Respondent/State.

Shri. Vijay Pagare, P.I. (I.O.) present.

ORDER BELOW EXH. No.1

(Delivered on 04th March, 2022)

1. This is an application filed under Section 439 of Criminal Procedure Code for grant of regular bail in C. R. No.I-18/2022 registered with the respondent Upnagar Police Station for an offence punishable under Sections 302, 326, 323 R/W 34 of the Indian Penal Code.

2. Perusal of the F.I.R. reflects that an incident occurred on 22.01.2022 between 09.30 to 10.00 p.m. at Samta Nagar, Agartakli Road. It is alleged that the applicant and the co-accused had assaulted

the deceased by pavement block (फरशी) on his head and beat him by fists and legs blows and ran away. On the report, Crime came to be registered initially under Section 326, 323 r/w 34 of the Indian Penal Code. Thereafter, the victim died and thereafter Section 302 of the I.P.C. came to be added.

3. It is the case of the applicant that, he is an innocent and has not committed any offence. His role as per the prosecution is that he helped the main accused to run away. The victim was having previous injury on his head. Applicant is young and is the only earning member. He is ready to abide by the terms and conditions. Investigation is on the verge of completion. The applicant is ready to abide by the terms and conditions. Therefore, prayed to allow the application.

4. Respondent filed their say vide Exh.4 and strongly objected by saying that the offence is serious in nature. There is an involvement of applicant in the Crime. Investigation is in progress. Offence is serious in nature. Therefore, there are criminal antecedents. Therefore, prayed to reject the application.

5. Heard Ld. Advocate for applicant and Ld. A.P.P. for State. So also heard I.O. in person. So also gone through the police-paper of the case produced for inspection by the I.O.

6. Upon hearing and going through the material placed on record, what can be gathered is that the applicant alongwith other accused persons assaulted the complainant's son Sharad on his head by pavement block (फरशी) and he was admitted in the Hospital and thereafter succumbed to his injuries. There are eye-witnesses to the incident. Their Statement under Sections 161 and 164 of Cr.P.C. came

to be recorded. Recovery is made by the Police. Investigation is in progress. Offence alleged is serious in nature. Therefore, this Court is of a considered view that discretion can not be invoke in favour of the applicant. In the result, the application fails. Hence, the order.

ORDER

Criminal Bail Application No.262/2022 stands rejected and disposed off accordingly.

Place : Nashik.
Date : 04/03/2022

(M. H. Shaikh)
Additional Sessions Judge, Nashik.