

**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 294 OF 2022**

{Rahul Machhindra Pawar vs. The State of Maharashtra through
Mumbai Naka Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicant-accused in crime No. 27 of 2022 registered with Mumbai Naka Police Station, Nashik for the offences punishable under sections 307, 143, 144, 148, 149, 504, 506 of the I. P. C. and section 4 read with 25 of the Arms Act.

02] The applicant contended that false and fabricated case is registered against him. There is 18 to 19 hours delay in lodging F. I. R. The investigation is completed. There is family dispute between the complainant and the accused. He has not committed the offence. Weapon is recovered in the crime. Section 307 of the I.P.C. is not attracted against him. His custodial interrogation is not required. He is permanent resident of Nashik and having movable and immovable property. He has deep roots in the society. His family is dependent on him. He is ready to abide by any conditions imposed by the court. So, he has prayed for grant of bail.

03] APP filed say at Ex. 04 and I. O. filed say at Ex. 05. They have stated that the offence is of serious nature. He assaulted the complainant by sythe to kill him. The injuries are of dangerous nature. Their intention was to kill the complainant. He has criminal antecedent. Yet, the statements of the witnesses are to be recorded. If he is released on bail, he may threat the prosecution witnesses. Hence, they have prayed for rejection of bail.

04] Heard the learned counsel for the accused and learned APP. They have argued as per the above stand taken. He further argued that in the offence under section 302 of the I. P. C., he is already acquitted. He relied on case laws below list Ex. 06. I have gone through those case

laws and in nutshell, those are on the grounds that several criminal cases pending against the accused is not the ground to reject the bail. For the sake of brevity, I have not reproduced the same.

05] I have gone through application, say, arguments and Police papers. There is prima-facie case against the accused. F. I. R. shows that the present accused in furtherance of common object with other accused attempted to murder the complainant. When the main accused assaulted on the head of the complainant that time, present applicant-accused and accused Sani Jagtap caught hold of the hands of the complainant. Several life threatening injuries are there on the head, chest and back of the complainant. Then, the present accused has also given kick and fist blows to the complainant and by means of bottle of beer assaulted on the head of the complainant. So, the overall conduct of the present accused shows that he shared common object to kill the complainant. He has active participation in the crime. He also has main role in the crime. To accused nos. 3 and 4, anticipatory bail was granted because their role was limited. Hence, parity can not be applied to this accused as his role is different and more dangerous than them. The investigation is going on. The accused was absconding after the crime shows his conduct that he may abscond if released on bail. The offence is of serious nature. The punishment is severed. The accused is not entitled for bail. Hence, the following order:

ORDER

Application is rejected.

Date : 08.03.2022

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

