

**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION**  
**NO. 263 OF 2022**

{Gokul Madhukar Yelmame 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. 371 of 2021 registered with Panchavati Police Station, Nashik for the offences punishable under sections 302, 341, 212, 120B read with 34 of the I. P. C. and 142 of the Bombay Police Act.

02] The applicant contended that false and fabricated case is registered against him. He is permanent resident of Nashik and his family is dependent on him. The F. I. R. was filed against unknown persons. The complaint was lodged on suspicious ground. There is no cogent evidence against him. He is poor. There is no criminal antecedent of him. He is not habitual offender. Investigation against him is completed and his custody is not required. Charge sheet is filed. He is in Jail from 04.12.2021. Only on suspicion, his name is mentioned as accused in the crime. Trial will take much time for its decision. He is ready to abide any conditions imposed by the court. He has prayed for grant of bail application.

03] learned APP has filed say at Ex. 4 and I. O. has also filed say at Ex. 05. They have stated that the offence is of serious nature. This accused is the main accused in the crime and is the main conspirator. Though, he was extern by the police on dated 03.04.2021, still, he entered Nashik District and committed the offence. C. C. TV footage, CDR shows his involvement in the crime. Seven different crime against the person and other are pending against him. On the say of accused no. 5, accused nos. 1, 3 and juvenile in conflict with law has committed the offence. Thereafter, the said juvenile in conflict with law was harbored by accused no. 4. The accused no. 4 is connected with accused no. 5 and

the CDR shows the same. If the accused is released on bail, he may threaten the prosecution witnesses and will tamper prosecution evidence. His earlier bail application no. 1753 of 2021 is rejected by the court. Hence, they have prayed for rejection of bail application.

04] Heard the learned counsel for accused and learned APP. They have argued as per their stand taken.

05] I have gone through the application, say and the arguments. There is prima-facie case against all the accused. Offence of criminal conspiracy is registered against all of them and there is proof of it on record. This accused is the main accused in the crime and is the main conspirator. Though, he was extern by the police on dated 03.04.2021, still, he entered Nashik District and committed the offence. C. C. TV footage, CDR shows his involvement in the crime. The investigation is completed and charge sheet filed. But, looking to the above facts and the fact that the offence is of serious nature and the punishment is for imprisonment for life or death and he committed the offence by breaching the externment order, he is not entitled for bail. Hence, the following order :

### **ORDER**

Application is rejected.

Date : 07.03.2022

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