

Order below Exh.1 in Cri. Bail Application No. 328/2022.

(Shrikant @ Bala Shashikant Joshi [applicant/accused 4] Vs. State)

This is an application, for bail u/s. 439 of the Cr.P.C. in Crime No.I-402 of 2021 registered with Panchavati Police Station, Nashik u/s.302,143,147,148,149,307,504 of The Indian Penal Code(IPC).

2. The learned counsel Mr.S.B.Wani for the applicant submits that, applicant/accused 4 is innocent person and has been falsely implicated. He has not played active role in commission of offence. He is ready to abide by any of the terms and conditions to be imposed by this Court. He has got fixed and permanent place of residence and undertakes to cooperate investigation.

3. Learned A.P.P. Mr. R.M. Baghdane, by filing pursis (Exh.9) adopted say (Exh.8) filed by Investigation officer (I.O.) and strongly objected this application. I.O. present alongwith case dairy.

4. Injured witness Tejas @ Bala Sham Mandlik appeared as intervener through learned counsel Mr. M.D. Bhanose and has filed his objection (Exh.11) which is incoherence with say (Exh.8) and has also produced his medical treatment papers.

5. Perused record. Prosecution case is that, at the place where accused 2 and 3 were sitting, injured, deceased alongwith his friends came there. They abused and beat each other. Applicant/accused 4 came there, abused injured and kicked him. At that time, accused 1 ran with knife towards him. Accused 2 and 3 caught hold hands of Tejas and accused 1 stabbed him on left side of the stomach,due to which Tejas fell down and accused 1 to 4 beat him. At that time, deceased Vyankatesh Sharma caught hold accused 1 due to which, accused 1 stabbed with knife in the stomach of Vyankatesh Sharma and accused 2 forcibly kicked him due to which he succumbed to injuries. Prosecution witnesses states about the involvement of the accused in this brutal murder. Offence is serious in nature and it is punishable with death or life imprisonment. Investigation is incomplete. There is every likelihood that applicant may hamper or tamper prosecution witnesses or evidence. Custodial interrogation is necessary. Consequently, I am not inclined to exercise my discretion in favour of the applicant/accused. Hence, the order.

ORDER

This application stands rejected.

(S.T. Tripathi)

Additional Sessions Judge-7,
Nashik.

Date : 24.03. 2022.

