

**CNR No. MHNS010010092022**

**Order below Exh.1 in Cri. Bail Application No.311/2022.**  
( Ulhas Namdeo Goikane Vs. State )

The present application is moved by the applicant-accused Ulhas Namdeo Goikane 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, the present applicant-accused was arrested on 27.2.2022 and he was produced before learned JMFC, Igatpuri on 28.2.2022 and was remanded to Police custody till 2.3.2022 and since he is in Magisterial custody. It is also stated that the name of applicant-accused is not mentioned in the FIR. The physical violence and assault has been alleged by the complainant against the other accused, but there is no whisper regarding the presence of present applicant-accused and his participation in the crime. It is also stated that applicant-accused has not committed any offence, he is innocent and not at all concerned in any of the criminal activities mentioned in the FIR, these and other grounds set out in the application, prayed to allow the application.

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

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

5. The learned counsel for applicant-accused Shri. M.Y. Kale has submitted that the name of the applicant-accused is not mentioned in the FIR as an assailant by the first informant. So far

as report filed by the police is concerned, it is also not specifically pointing out any role against the applicant-accused. Therefore, considering this fact, the applicant-accused may be enlarge on bail on terms and condition laid down by this court.

6. On the other hand, learned AGP Smt. Patil 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. She further submitted that investigation is in progress. Therefore, prayed to reject the application.

7. I.O. is absent. However, represented by Police Sub-Inspector, who placed on record he case papers relating to the investigation done so far, which discloses that one of the witness in his statement under section 164 of Cr.P.C. attributed the role of present applicant-accused in the commission of crime and confirmed the fact that present applicant-accused was the member of unlawful assembly constituted at the relevant time and place of incident. As the investigation is in process and the offence is serious. The accused have created terror in the area, not only assaulting the injured and committing the murder of the victim mentioned above, but also they had damaged the vehicles parked by the side of the road and also pelted stones on the residential houses in the vicinity and thereby entire atmosphere of the said Taluka place was terrorized. During the course of investigation police have seized his mobile as a piece of evidence. So far as non mentioning role of applicant-accused 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”.*

8. Therefore, though the name 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. It is also mentioned in the FIR that the son of first informant by name David Patrick Manvel was murdered in the year 2014 by Hari Bhandari R/o. Nandgaon Sado village, Tal. Igatpuri, Dist. Nashik and he is accused No.1. In the result, following order is passed.

**ORDER**

- 1) Bail application No.311/2022 is hereby rejected.
- 2) Inform to concern police station accordingly.

Date- 14.03.2022

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