

**Order below Exh.1 in Cri. Bail Application No.338 /2022**

( Zishan Irshadali Khan & Faihimbabu  
Samsheer Khan Vs. State )

By this application, the applicants 1 & 2/accused 1 & 2 seek bail u/s. 439 of the Cr.P.C. in Crime No.I-145 of 2021 registered with Adgaon Police Station, Nashik u/ss. 399,402 of The Indian Penal Code(IPC) and u/s.3/25 of The Indian Arms Act.

2. The learned counsel Mr.A.K.Kale for the applicants submits that, applicants are innocent person and they have been falsely implicated. Applicants are ready to abide by any of the terms and conditions to be imposed by this Court. Section 399 of IPC is not applicable herein. Applicants are labour and arrested on 07.03.2022 and at present they are remanded in judicial custody. They have got fix and permanent place of residence and undertakes to cooperate investigation. Bail cannot be denied only because they are from other State.

3. Learned A.P.P. Mr. R.M. Baghdane, by filing pursis (Exh.5) adopted say (Exh.4) filed by Investigation officer (I.O.) and strongly objected this application. I.O. present.

4. Perused record and case dairy. In the present case, applicants are arrested on 07.03.2022 and at present they are remanded in judicial custody. The offences are exclusively triable by Court of Sessions and serious in nature. Incriminating materials are allegedly recovered at the instance of applicants. Investigation is incomplete, co-accused is yet to be arrested. Custodial interrogation is required to find out as to, involvement of other accused person and his whereabouts. The absconding accused is harden criminal and has criminal antecedents. Statements of witnesses are yet to be recorded. The accused may hamper or tamer prosecution witnesses or evidence and may abscond. In the circumstances, I am not inclined to release accused on bail. Consequently, this application is liable to be rejected. Hence, the following order.

**ORDER**

This application stands rejected.

( S. T. Tripathi )

Additional Sessions Judge-7,  
Nashik.

Date: 17.03.2022.

