

**Order below Exh.1 in  
Cri. Bail Application No. 250/2022  
(Navin Dayabhai Patel Vs. State)**

Perused application and say. Heard both the learned counsels.

2. By this second application under section 439 of Cr.P.C., the accused of Crime No.101/2019 registered with Nashikroad Police Station, Nashik for the offence punishable under sections 420, 467, 468 r/w. 34 of the Indian Penal Code, seeks bail.

3. It is objected over nature of offence.

4. The learned counsel for the applicant has submitted that, now investigation is over and final report under section 173 of Cr.P.C. has been furnished. Thereafter, accused 1 & 2 came to be released on bail by Trial Court. However, bail application of applicant was not disposed off for more than two months by the Trial Court since it proceeded on leave. Consequently, the said application was not pressed and preferred present one.

5. On going through the record, it is conspicuous that the principal accused Naresh is already released on bail under

section 437 Cr.P.C. on 26.02.2019 by the Trial Court, while accused 2 on 12.11.2021. The role played by applicant is, to some extent less than similar that to played by co-accused. Admittedly, the accused resides at Gujrat. However, that cannot be the sole ground for rejection of bail. Another ground of assailment is that, there is possibility of tampering of prosecution witnesses. As has observed earlier, the applicant is residing out of State. Thus, the alike possibility is hard to believe.

6. In view of above, I come to the conclusion that there are material change in circumstances to have application of rule of purity. In other words, applicant deserves conditional bail. Hence, the order :-

**ORDER**

- 1 Application stands allowed as under :-
- 2 Applicant Navin Dayabhai Patel be released on bail on the same conditions levelled while releasing accused no.2 on 12.11.2021 under order below Exh.38 in Regular Criminal Case No.173 of 2019 by Trial Court.
- 3 Bail before the trial/committal Court.

March 2, 2022.

( **Vikas S. Kulkarni** )  
Additional Sessions Judge,  
Nashik.