

**CNR      MHNS010011872022**  
**No.**

**Order below Exh. 1 in, Cri. Bail Application No. 350/2022**

(Firoj Gayasuddin Shaikh(accused 4),Riyaj @ Bochya Gayasuddin Shaikh(accused 2 ),Yakub Jumman Shaha(accused 3 ) & Aatik @ Gendya Adbul Latif Ansari (accused 5) Vs. State )

This is application, for bail u/s. 439 of the Cr.P.C. from being arrested in Crime No.I-58 of 2022 registered with Bhadrakali Police Station, Nashik u/ss. 307, 143, 147, 148, 149,504,506 of The Indian Penal Code(IPC) and u/s.135 of The Bombay Police Act.

2.            The learned counsel Mr.R.J. Kasliwal for the applicants/accused submits that, they are innocent person and have been falsely implicated. Applicants/accused are ready to abide by any of the terms and conditions to be imposed by this Court. Section 307 is not attracted in this case. Custodial interrogation is not required.They have got fixed and permanent place of residence at Nashik and undertakes to cooperative investigation.

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

4.            Perused record. Prosecution's case is that, accused 1 Samir on pretext of demanding money concerning election called informant on phone near Nanavali masjid with intention to kill him. Applicants inflicted blows with their weapon, abused and attempted to kill him. Accused persons are remanded in judicial custody. However, prosecution witnesses state about direct involvement of the accused in the crime. Offence is serious in nature and it is punishable with life imprisonment. Investigation is incomplete. The property is yet to be recovered and co-accused is yet to be arrested. Accused 3 & 5 are having previous criminal antecedent, as various crimes have been registered against them in the police station. There is every likelihood that they may hamper or tamper prosecution witness or evidence. Consequently, I am not inclined to exercise my discretion in favour of the applicants/accused. Hence, the order.

**ORDER**

This application stands rejected.

**( S.T. Tripathi)**

Date : 24.03. 2022.

Additional Sessions Judge-7,  
Nashik.

