

Order below Exh.1 in Cri. Bail Application No.352 /2022
(Samadhan Bajirao Patil Vs. State)

By this application, the applicant/accused 2 seeks bail u/s. 439 of the Cr.P.C. in Crime No.82 of 2022 registered with Panchavati Police Station, Nashik u/ss. 394,177, 201 r/w.34 of The Indian Penal Code(IPC).

2. The learned counsel Mr.A.S.Deshmane for the applicant submits that, applicant/accused 2 is innocent person and he has been falsely implicated. Applicant/accused 2 is ready to abide by any of the terms and conditions to be imposed by this Court. Applicant/accused 2 is only earning member of his family. He was arrested on 05.03.2022 and at present he is remanded in judicial custody till 24.03.2022. He has got fixed and permanent place of residence at Dhule, and undertakes to cooperate investigation.

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

4. Perused record. In the present case, applicant/accused 2 was arrested on 05.03.2022 and at present he is remanded in judicial custody till 24.03.2022. The offence is not punishable with death or life imprisonment conjunctively. Main offence u/s. 394 of I.P.C. is triable by learned Judicial Magistrate First Class. The applicant has got fixed and permanent place of residence. In the circumstance, custodial interrogation is not necessary. Learned A.P.P. strongly, objected this application on the grounds that, offence is serious in nature, some of the stolen properties and motorcycle has been recovered from appellant/accused 2, fake number plate of the motorcycle was affixed on seized motorcycle vehicle. The accused may hamper or tamer prosecution witnesses or evidence and may abscond as he is not permanent resident of Nashik but of adjoining district. However, they cannot be considered as satisfactory grounds to deny the bail. No purpose would be served by keeping him behind the bar. Attendance and certain conditions may suffice the purpose. Consequently, applicant/accused 2 deserves for bail. Hence, the following order.

ORDER

1. This application stands allowed.
2. Applicant/accused 2 Samadhan Bajirao Patil, shall be released on bail on executing personal bond of Rs.15,000/- with one surety in the like amount.
3. Applicant/accused 2 shall not leave India without prior permission of the Court.
4. Applicant/accused 2 shall not tamper with the prosecution witnesses.
5. He shall attend the police station on each Monday for one month between 11 a.m. to 01 p.m. or as and when called by I.O. under prior written intimation.
6. Bail before the concerned J.M.F.C. Court.

Date : 19.03.2022.

(S.T. Tripathi)
Additional Sessions Judge-7,
Nashik.