

**Order below Exh. 1 in, Cri. Bail Application No. 351/2022**  
( Shadab @ Saddu Shakil Shaikh/accused 6 Vs. State )

This is an application, for pre-arrest bail u/s. 438 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 applicant/accused 6 submits that, he is innocent person and has been falsely implicated. Applicant/accused is 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. He has 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 pretest 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. Some accused persons are remanded in judicial custody. However, prosecution witnesses state about the 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 and 5 who has participated in the crime are having previous criminal antecedent, as various crimes have been registered against them in the police station. There is every likelihood that the applicant may hamper or tamper prosecution witness and evidence. Custodial interrogation is necessary. Consequently, I am not inclined to exercise my discretion in favour of the applicant/accused. Hence, the order.

**ORDER**

This application stands rejected.

**( S.T. Tripathi)**

Date : 24.03. 2022.

Additional Sessions Judge-7,  
Nashik.

