

CRIMINAL BAIL APPLICATION NO. 3230 OF 2024

V/s.

The State of Maharashtra ... Respondent.

Ms Savita M Yadav, APP for the State.

PSI Ajay Rangnath Kaul, P.S. Ghoti Police Station.

DATED : OCTOBER 21, 2024.

PC:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.35 of 2024, registered with Ghoti Police Station, District: Nashik for the offences punishable under Sections 395 and 341 of the Indian Penal Code.
3. Having gone through the charge-sheet and the relevant material collected by the Investigating Officer during investigation, it is evident that the applicant was not identified by any of the witnesses or nothing is recovered from him relating to the alleged offence. Moreover, CDR on which the reliance has been

placed by the learned APP, does not *prima-facie* support the case of the prosecution as regards the presence of the applicant on the spot.

4. In the circumstances, though the learned APP has strongly opposed the application, I am of the opinion that as the charge-sheet has been filed, further custody of the applicant is not necessary. Furthermore, co-accused Akash Thakur was released on bail by this Court vide order dated 24/09/2024 passed in Criminal Bail Application No. 2653 of 2024.

5. Accordingly, I pass the following order:

- i) The Criminal Application is allowed.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No.35 of 2024, registered with Ghoti Police Station, District: Nashik for the offences punishable under Sections 395 and 341 of the Indian Penal Code, on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii) The applicant shall attend the concerned Police Station on first day of every month between 10:00 am and 11:00 am till conclusion of the trial, except on the date of the trial.
- iv) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

- v) Liberty is granted to the State to apply for cancellation of bail if the applicant commits similar offence or breaches any condition for grant of bail.
- vi) The applicant shall attend the trial before the trial Court regularly on every date unless exemption is granted by the trial Court.

The Criminal Application is **disposed of** accordingly.

(ANIL S. KILOR, J)