

MHKO060006262022 	ORDER PASSED BELOW EXH.1 IN CRIMINAL BAIL APPLICATION <u>NO. 147/2022.</u>
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This is an application filed by accused Sanjay Kinikar for bail U/s.439 of Criminal Procedure Code in Crime No.382/2022, U/s.363, 364, 365, 366, 341, 323, 324, 143, 147, 149, 504 and 506 of the Indian Penal Code, registered at police station, Jaysingpur.

2. Facts in brief are as under :-

Complainant – Shantinath Khavate is resident of village Shirati, Tal.- Shirol. Victim is his sister. Accused No.1 has filed criminal complaint against the victim that she has not returned money taken from him. Therefore, complainant and victim used to come in Jaysingpur Court to attend dates. On 18-10-2022, victim had come in the Court. At that time, accused No.1 had abused her. Thereafter warrant was issued against the victim. Complainant and victim had come to cancel the warrant and thereafter on 04-11-2022 complainant and victim had come to attend the Court date. After finishing Court work, they were going by their motorcycle to village Shirati. At about 13-45 hrs., at Kadage Mala, in front of house of Sanjay Ghodawat, accused No.1 and 2 came there on motorcycle. Other unknown persons came there by car. Accused abused to the complainant. Accused beat to complainant and victim by kicks and blows. Accused No.1 assaulted to complainant by stick on his hand and legs. Thereafter accused Nos.1 and 2 pulled the hair of victim and forcibly caused to seat her in the car and kidnapped her. Complainant lodged report in the police station.

3. On the report, crime is registered and same is under investigation.

4. Mr. I.A. Kamble, advocate for accused has submitted that accused is innocent and he has not committed any crime. There is no motive of the present accused to kidnap the victim. Accused is the bread earner of his family. His mother is old age and suffering from paralysis. Accused has to look after his mother. He further submitted that co-accused are released on bail. Hence, accused be released on bail on the ground of parity.

5. As against this, Mr. U.M. Kulkarni, learned APP for the State has submitted that offence is serious. There is direct evidence in CCTV footage. If the accused is released on bail, then he will pressurize the witnesses. He prayed to reject the application.

6. I have perused the application and police papers. According to prosecution, accused was present on the spot and he and accused No.1 kidnapped the victim. It also reveals that accused Nos.1, 2 and victim had resided at various places. However, major part of the investigation is completed. Co-accused are released on bail. Accused is the permanent resident of given address and his antecedents are clear. Further he undertakes to abide by the conditions imposed by the Court. Therefore, considering the role attributed to the present accused and fact that co-accused are released on bail. Hence, he is entitled for bail, the following order.

ORDER

(1) Application is allowed.

(2) Applicant Sanjay Mahaveer Kinikar from Crime No.382/2022 of Jaysingpur police station offence punishable U/s. 363, 364, 365, 366, 341, 323, 324, 143, 147, 149, 504 and 506 of the Indian Penal Code be released on execution of P.B. and S.B. of Rs.30,000/- with one or more sureties of like amount on the condition that :-

(a) He shall not contact the complainant, victim or witnesses in any manner.

(3) Bail before the learned Magistrate.

Jaysingpur.
Dt.: 21-12-2022.

(**G.B. Gurao**)
Addl. Sessions Judge, Jaysingpur.

Dictated on : 05-01-2023.
Transcribed on : 05-01-2023.
Date of sign : 10-01-2023.

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER.

10-01-2023.
UPLOADED DATE AND TIME

A.S. Tiruke
NAME OF STENOGRAPHER

Name of the Judge	Shri.G.B. Gurao, Addl. Sessions Judge, Jaysingpur.
Date of pronouncement of Order	21-12-2022
Order signed by P.O. on	10-01-2023
Order uploaded on	10-01-2023