

MHBU040013172022



Order below Exh.1
(Passed on 1.11.2022)

1. This application is preferred under Section 439 of Cr.P.C. seeking relief of bail in connection with Crime No.478/2022 registered with Police Station Shegaon City for the offences punishable under sections 304-B, 452, 427, 506(2), 143, 147, 149 of the Indian Penal Code.
2. Heard learned advocate Mr. A.Z. Khan for applicant/accused and learned A.P.P. Mr. V.L. Bhatkar for the prosecution. Perused the say of prosecution vide Exh.5. Gone through the case diary.
3. It is submitted on behalf of the applicant/accused that the allegations in the FIR are totally false and imaginary. The applicant/accused is falsely implicated in the present crime. The name of the applicant/accused is not mentioned in the FIR. So also he was not present on the spot at the time of incident. The applicant/accused is falsely implicated and the co-accused are already released on bail. The applicant/accused never met the informant and her husband. The applicant/accused is law abiding person and permanent resident of

Akola and is ready to abide by all the conditions of bail. Therefore, prayed for releasing him on bail.

4. It is submitted on behalf of the prosecution vide Exh.5 that unknown 40-50 persons came on the spot and carried wooden beams, axe, iron rod(Sabbal) and started digging in the open land. When the informant stopped them they showed the documents showing that they are hired for doing work by co-accused. The informant called her husband and told him telephonically. At about 8.00 p.m. the deceased who is the husband of informant returned home and he sustained shock by seeing the pit holes dug in open land. Subsequently he died. The investigation is at initial stage. The articles such wooden beams, axe, iron rod(Sabbal) are to be seized. There is possibility that if the applicant/accused is released on bail he would pressurize, threaten, induce and tamper the prosecution witnesses. Hence considering this facts, prayed for rejection of application.

5. Perused the case diary, also gone through the papers on record. It is seen that there is no connection of the death of the deceased with the applicant/accused. The presence of the applicant/accused prima facie was not on the spot. The sale deed and other property can be recovered by the I.O. The applicant/accused is in jail since 18.10.2022. It indicates that his physical presence was not required for investigation. There is nothing which is to be seized from him. The custodial interrogation of the applicant/accused is over. Therefore, keeping the applicant/accused behind the bar will not

serve any purpose. For apprehension of the prosecution that applicant/accused would pressurize the prosecution witnesses I found that condition can be imposed upon the applicant/accused. Therefore the applicant/accused can be released on bail upon certain terms and condition. Hence, I pass the following order :-

ORDER

- 1] The application is allowed.
- 2] Applicant/accused Lakhan Gopal Navkar, be released on bail on his executing P.R. bond of Rs.50,000/- (Rs. Fifty Thousand only) with one solvent surety in the like sum.
- 3] The applicant/accused shall remain present on every Monday and Friday between 11.00 a.m. to 2.00 p.m. at the concerned police station and shall co-operate the I.O. in investigation and thereafter, he shall make himself available for interrogation as and when asked by the I.O. until further orders.
- 4] The applicant/accused shall not pressurize the prosecution witnesses.
- 5] Bail before concerned JMFC.
- 6] Inform concerned police station accordingly.

Dated-1/11/2022

(A.S.Wairagade)
Addl.Sessions Judge, Khamgaon,
Dist. Buldana.

Certificate

I certify that this order PDF uploaded is a true and correct copy of original signed order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.

Name of Court : Addl. Sessions Judge, Khamgaon.