

MHAM010026972024



Jay Digambar Chaudhari

-vs-

State (P.S. Frezarpura)

ORDER BELOW EXHIBIT – 1.

(Passed on 10.07.2024)

This is bail application under Section 439 of the Criminal Procedure Code filed by the applicant for grant of bail in Crime No.472/2024, registered in Police Station, Frezarpura, Amravati for the offence punishable under sections Sec.395, 397, 324, 143, 147, 149 of the Indian Penal Code. It is the contention of the applicant that, he is falsely implicated in alleged crime and was arrested by the Police on 20.05.2024.

02] Perused application and reply filed by the prosecution below Exh.6. Heard, Ld. counsel for the applicant and learned A.P.P for the State. Considering rival submissions of the parties, following points arise for my determination. I have discussed the same and recorded my findings thereon, for the reasons given therefor :-

Sr.No.	Points	Findings
1.	Whether the applicant is entitled for bail ?	... In Negative.
2.	What order ?	... As per final order.

REASONS**AS TO POINT NO.1 :-**

03] Ld. Counsel for the applicant submitted that, the applicant is falsely implicated by the Police in Crime No.472/2024

registered in Police Station Frezarpura, Amravati for the offence punishable u/s. Sec.395, 397, 324, 143, 147, 149 of I.P.C. It is submitted that, the accused is arrested on 20.05.2024 and since then he is in jail.

04] It is further submitted that, the complainant had lodged a report in Police Station Frezarpura, Amravati alleging that, on 19.05.2024 at about 10.00 pm while he was proceeding towards camp on motorcycle alongwith his friend namely Soheli, Abbas, Aslam, Soheb and Shahbaz at that time 15 persons were coming towards Farshi stop. Out of which, one person hit to his friend namely Abbas and therefore they stopped there. Whereas all 15 persons went away. Thereafter, again they came back and gave a slap to Abbas. At that time they were under the influence of liquor. Then they started to beat them by means of fist and kick blows and snatched away amount of Rs. 53,500/-. It further alleged that out of them one person gave a knife blow over the waist of his friend Soheli and also to complainant on backside of his neck. Resultantly, they sustained bleeding injury. Thereafter, they went to P.S. Frezarpura and police referred them to Irwin Hospital for medico treatment.

05] Ld. Counsel for the applicant, submitted that, the applicant is in jail since 20.05.2024 and his custody is no more required by the Police being most of the investigation has been completed by the Police. Moreover, co-accused were released on bail vide bail application No. 533/2024, 548/2024, 579/2024 and therefore, the applicant is also entitled to release on bail on the ground of parity. Furthermore, the applicant is ready to abide the terms and conditions if any imposed by the Court. Hence, the applicant is entitled to release on bail.

06] As against this, the Ld. APP submitted that, there is express involvement of the applicant in alleged serious offence. It also contended that, the applicant alongwith other accused committed the serious offence like road robbery and also injured the complainant and others by means of knife as well as fist and kick blows. Moreover, the applicant was present at the time of alleged offence and involved in said crime. The investigation is still going on and hence application is liable to be rejected.

07] I have carefully gone through the case diary and the statements therein. It is worth to mention here that, on going through case diary, it clearly seems that, the present applicant has assaulted on the complainant Kaushik Qureshi and his friend Sohail by means of knife whereas, rest of the accused have assaulted by means of fist and kick blows. So the prime role is played by the applicant in alleged offence. Therefore, question does not arise to release the applicant on bail on the ground of parity because the applicant has played time role in alleged crime being he assaulted on both the injured by means of knife wherein the both the injured have sustained serious injuries.

08] In short, considering rival contention of the parties and on perusal of case diary it seems that, the present applicant is prime accused in alleged crime. Therefore, considering the role played by the applicant, I am not inclined with the submission of Ld. counsel for the applicant that, the applicant is entitled to release on bail.

09] Considering above said reasons, I conclude here that, the applicant has not made out the case for grant of bail. Hence, I have recorded my findings in negative as to Point No.1. Resultantly, I proceed to pass the following order.

ORDER

The application is hereby rejected.

Date :- 10.07.2024.

(P.J. Modak)
Addl. Sessions Judge-2,
Amravati.