

**ORDER BELOW EXH. 1 IN CRIMINAL BAIL APPLICATION****NO. 1278/2022****[CNR NO. MHPU14-003695-2022]**

Shahabaj Sadik Pathan

V/s.

State of Maharashtra

1. This is an application for bail u/s. 439 of Cr.P.C. in CR No. 485/2022 of Indapur P. St., for the o/p/u/s. 307, 324, 323, 504, 506, 34 of the Indian Penal Code.

2. Ld. Adv. Shri. S.D. Choudhari for the applicant/accused has submitted that the applicant is innocent, he has not committed any offence and he is falsely implicated in the present crime. There is no direct, indirect or circumstantial evidence to connect the applicant with the alleged offence. In fact, complainant and accused are closed relatives and there is long standing enmity between them on the ground of land dispute. Also, civil and criminal litigations are going on between them. Besides, co-accused No. 2 & 3 are already released on bail, nothing is to be recovered at the instance of applicant, entire investigation has been completed and charge-sheet is filed in the court. In view of this there is no question of tampering of evidence and thus there is no necessity to keep the applicant behind bars just for the sake of keeping. According to him, applicant is in jail since 03/08/2022. He is permanent resident of Kasba Peth, Tal. Indapur, Dist. Pune having no criminal record and antecedents. He is ready to abide any terms and conditions imposed upon him. He will not flee away from

the court of law nor misuse the liberty of bail. On all these grounds he prayed to enlarge the applicant on bail.

3. Investigating Officer, Ld. A.P.P. Shri. Navale have strongly opposed the application vide say at Exh. 5 since contending that the applicant is the main culprit. He has taken active part and assaulted the complainant by means of knife. Also, all accused abused and threatened the complainant for life. The offences are serious in nature and if the applicant/accused is released on bail there is every possibility of putting the pressure on the complainant and witnesses and there will be hurdle in the trial. Thus, they prayed to reject the application.

4. After perusing the contents of the FIR, it is seen that complainant has alleged that, on 27/06/2022 at about 2.00 p.m. while he and his cousin grand-father were talking in front of Chandtara Masjid, accused came there by carrying wooden sticks in their hands and started abusing him. Thereafter, they asked him to give Rs. 5,00,000/- against the disputed land. They threatened him for life if the amount is not paid to them. It is specifically alleged that accused Shahabaz and Sadiq assaulted him by means of wooden sticks and accused Shahabaz with an intention to kill him inflicted blow of sharp edged knife on his back. Accused Tahira abused and threatened to kill him. On hearing the quarrel witnesses gathered and they separated them and took him to Ashwini hospital. After taking treatment he lodged the present FIR.

5. After going through the contents of the FIR, it is seen that complainant and accused are close relatives, however due to land

dispute they are on enmical terms. Further, on the said ground litigations are going on between the two families. These facts cannot be overlooked. No doubt the offence is serious in nature, but considering the fact that co-accused are released on bail and charge-sheet is filed in the court, there is no point in keeping the accused behind bars till conclusion of the trial when there is no possibility of commencement of trial in near future. As such, he is entitled to bail, however, subject to certain conditions. Accordingly, I pass following order.

ORDER

1. The application is hereby Allowed.
2. The applicant/accused Shahabaj Sadik Pathan in CR No. 485/2022 of Indapur P. St., for the o/p/u/s. 307, 324, 323, 504, 506, 34 of the Indian Penal Code be released on executing P.R. bond of Rs. 25,000/- with one or two solvent sureties in the like amount on the following conditions :
 - i. That he shall not pressurize the complainant nor shall tamper with the prosecution evidence or witnesses, in any manner. Any attempt of tampering with the prosecution evidence will result in cancellation of bail.
 - ii. That he shall remain outside the jurisdiction of the concerned police station till the charge is framed.
 - iii. That he shall not commit any offence while on bail.

Date:- 11/11/2022

(K.S. Bakre)
Additional Sessions Judge
Baramati

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word for word as per original Order.

Name of Steno	:- R.L. Bhunyar (Stenographer Grade-I)
Court Name	:- K.S. Bakre Additional Sessions Judge, Baramati.
Date of Order	:- 11/11/2022
Order signed by the Presiding Officer	11/11/2022 :-
Order Uploaded on	:- 11/11/2022