

Order below Exh.4 in Sessions Case No. 147/2019.

- 1) This is an application filed by applicant-accused No. 2 Shakil Akbar Qureshi for release him grant of regular bail u/s. 439 of Cr.P.C.
- 2) I have heard the ld. counsel for applicant and ld. APP and also gone through the charge-sheet.
- 3) The applicant is charge-sheeted for the offence p.u/s. 307, 397, 459 and 506 r/w. 34 of IPC. The case of prosecution is such that the complainant Navnath used to reside in a field house. On 04.05.2019 at about 9.00 pm when the complainant and his family members were about to sleep, four unknown persons of 25 to 35 age group came there and terrorized the complainant and his family members on the point of knife and threatened them not to raise shouts, otherwise they shall kill them. There were about to commit robbery, due to which complainant and his family members raised shouts, upon which persons residing in the vicinity arrived there and at the same time, one of the accused gave blow of the knife on the head of complainant and tried to kill him, due to which complainant collapsed. Another accused hit spade on the head of son of complainant, due to which, he also received injury. Meanwhile, persons residing in the vicinity tried to apprehend them, upon which accused also gave knife blow to them and started to run away. They were chased by those persons but then, complainant and his family members were admitted to hospital.
- 4) It is the contention of ld. counsel for applicant that he is falsely implicated in this crime and no such incident ever happened. No specific role has been attributed to the applicant in the FIR. The applicant is arrested merely on the basis of suspicion. The applicant is not resident of the locality where the alleged incident happened. The applicant is resident of Islamnagar, Uttar Pradesh where his old aged

parents, wife and children resides. They are dependent on him. The investigation is over and charge-sheet has been filed, hence further physical custody of applicant would not serve any purpose. He is ready to abide all the terms and conditions which ever imposed.

5) The prosecution has opposed the application on the ground that the offence is very serious. The complainant has identified applicant in the hospital during the course of medical treatment when the applicant was produced before him, after arrest. There is evidence that on the day of incident, applicant had traveled to the village of complainant and the travel ticket and other incriminating articles has been recovered from him. Applicant is resident of another State, due to which, there is possibility of his remaining abscond.

6) The Investigating Officer in this crime was called to state as to whether identification parade of the accused in this crime has been conducted and during the course of argument, he pointed out that one of the co-accused namely, Abhiman Pawar was assaulted by the persons residing in the locality immediately after the incident as the accused started to run away from the spot and due to such assault said Abhiman Pawar received injuries and died while present applicant was apprehended by them, due to which he could be arrested but two other accused namely, Manohar Kale and Ganesh Bhosale successfully ran away from the spot and they are still absconding. He also pointed out bus travel ticket recovered from the applicant as well as CCTV footage of the concerned bus-stand in which applicant is clearly appearing in company with the deceased accused and two other accused who are abscond. It is pointed out that the complainant has also identified the deceased accused and two accused appearing in the photographs.

7) As such, there is ample evidence against the applicant. The offence is serious and as the applicant is resident of Uttar Pradesh, possibility of his remaining abscond cannot be ruled out, if released on

bail. Two accused persons are still absconding and Investigating Machinery could not arrest them till today. Hence, release of present applicant on bail, may create hurdle in the arrest of co-accused. It also cannot be said that investigation is over. Hence, it would not be proper to release the applicant on bail, at this stage. Hence, following order.

Order

The application stands rejected.

Niphad.
29.07.2020.

(R. G. Waghmare),
Additional Sessions Judge,
Niphad.