

Criminal Bail Application No.1587/2022

CNR No. MHNS010068582022

[Ajay Namdeo Pawar V s. State]

Order below Exh.1.

This is second bail application for regular bail U/s. 439 of Cr.P.C. in Cr.No.I-306/2022 of Bhadrakali P. S., for offences punishable under Sections 353, 333, 186, 504, 506 r.w. 34 of I.P.C., on the basis of FIR lodged by Sachin Eknath Lite.

2. Second bail application is filed on the ground that the applicant is innocent and has been falsely implicated in the case. False offence is registered. Nothing incriminating has been seized from the applicant. Injured has been already recovered and discharged from hospital. Co-accused is released on bail. He has no concern with offence. Previous bail application was rejected as the investigation was in progress. Now investigation is over. Charge-sheet bearing RCC No. 1325/2022 is filed. He is permanent resident of Nashik. He is only bread earning member in the family. He will not pressurize witnesses. He is ready to abide the conditions imposed by the Court. On these main grounds and others have prayed for bail.

3. Notice was issued to State. State appeared through Ld. APP Smt.Sulabha Sangle and filed say resisting for grant of application on the grounds that the offence is serious one. FIR specifically mentioned that accused assaulted informant when he was discharging his duty. There is a possibility of commission of cognizable offence and pressurizing informant and witnesses. There are offences registered against the accused and Lakhan Pawar. If

released, he will threaten the informant and witnesses. He will tamper with prosecution evidence. On these main grounds and others have prayed for rejection of bail application.

4. Heard Ld. Advocate Mr.Badode for applicant. Perused bail application. Heard Ld. APP Smt.Sulabha Sangle. Perused police papers and say filed by Bhadrakali police station.

5. On perusal of F.I.R. as well as case papers, it is apparent that, the informant Sachin Lite attached to MSEDCL went to the house of Poonam Pawar and made inquiry about payment of outstanding electricity bill which was replied in the negative by inmate of the house Ajay Pawar [present applicant]. The informant discontinued electricity supply. Ajay Pawar [present applicant] abused informant, caught hold his collar. After giving understanding to him when the informant and his colleague Kshirsagar were proceeding ahead, Ajay Pawar [present applicant], Lakhan Pawar and his companion pelted stones on them. Ajay Pawar [present applicant] assaulted on the head of informant by iron rod due to which he sustained injuries. His colleague admitted him in civil hospital.

6. The incident occurred when the informant was discharging his duties. The name of the accused feature in the FIR. Ajay [present applicant] assaulted the informant by iron rod whereas Lakhan Pawar pelted stones. The criminal overact is conducted in furtherance of common intention. The medical certificate discloses two grievous injuries on the head of the informant. Through, there is active role attributed to the applicant,

now investigation is practically completed and charge-sheet is filed. As far as criminal antecedents are concerned, the offence u/s.135 of Maharashtra Police Act will not be a barrier in grant of bail, when the prime offence u/s. 353 of IPC is not punishable with imprisonment for life or death. Hence, discretion can be exercised in favour of the applicant. Hence, following order is passed.

ORDER

- (1). Application is allowed.
- (2). The applicant Ajay Namdeo Pawar be released on bail in Cr.No.I-306/2022 of Bhadrakali P. S., for offences punishable under Sections 353, 333, 186, 504, 506 r.w. 34 of I.P.C., on furnishing a PR and SB of Rs.30,000/- with one surety of like amount on following conditions.
 - (a). He should furnish two documents about his identity proof and two documents in respect of identity proof of his relatives.
 - (b). He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them from disclosing such facts to the Court or to any police officer.
 - (c). Violation of any of the above mentioned condition, would result in cancellation of bail.
- (3). Inform concerned police station accordingly.
- (4). Bail before JMFC Court

Nashik.
Date : 19/12/2022

(V. P. Desai)
Additional Sessions Judge, Nashik.