

**Order below Exh.1 in Cri. Bail Application No.1591 /2022
(Bharat Gulab Pawar- Applicant/Accused Vs. State)**

This is an application for bail u/s. 439 of the Cr.P.C. in C.R. 52 of 2022 registered with Surgana Police Station, Tal. Surgana, District Nashik u/ss. 353, 332, 504, 506 of The Indian Penal Code(IPC).

2. The learned counsel Mr.J.B. Wadje for the applicant submits that, applicant is innocent person and he has been falsely implicated. He had gone to the office of Nayab Tahasildar in respect of inquiry of his field. When he inquired him, as to why his name stood deleted from Gat No. 50 of village Hatti, he got annoyed and file this false case. He is ready to abide by any of the terms and conditions to be imposed by this Court. He was arrested on 09.12.2022, and now he is in the judicial custody. He is aged 46 years old, Karta and earning member of his family. Nothing has been recovered from applicant during investigation. He has got fixed and permanent place of residence and undertake to cooperate investigation. No purpose would be served by keeping him behind the bar.

3. Learned A.P.P. Mr. Y.D. Kapase, by filing pursis (Exh.4) adopted say (Exh.3) filed by Investigation officer (I.O.) and strongly objected this application. I.O. is absent. Case dairy is not produced. I proceed to decide in the absence of I.O. & case dairy. It is opposed on the grounds that, offence is serious, accused has been named in the FIR. Accused may abscond and hamper and tamper prosecution witnesses or evidence.

4. It is the case of prosecution that, on 06.12.2022 at about 12.30 a.m., informant Rajendra Fula More was on duty as Nayab Tahasildar at Election Branch, Surgana. At that time, applicant and other two persons came in his cabin. Applicant showed him 7/12 extract of Gat 50 of village Hatti and asked, why his was not mutated in it ? why his name was deleted ? and why names of other person were mutated in it ? Applicant got annoyed , caught hold collar of informant, slapped by his left hand on cheek of informant, broke button of his shirt, abused him and threatened him. Thus, the applicant caused obstruction to the informant from discharging his public duty.

5. It is necessary to mention that, the jurisdiction to grant bail has to be exercised on the basis of well settled principles having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that, for the purpose of granting the bail, the Legislature has used the words, “reasonable grounds for believing” instead of “the evidence ” which means the court dealing with the grant of bail, can only satisfy it, as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima-facie evidence in

support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt.

6. I have gone through aforesaid submissions. The applicant has got fixed and permanent place of residence. He is in jail custody. He has been arrested on 09.12.2022. Investigation is almost complete. Nothing is to be recovered at his instance. Offences are punishable with imprisonment to the extent of five years or fine. Consequently, no purpose would be served by keeping him behind the bar for indefinite period. Certain conditions may suffice the purpose. Consequently, applicant is deserve bail on certain terms and conditions. Hence, the following order.

ORDER

1. This application stands allowed.
2. Applicant /Accused- Bharat Gulab Pawar, shall be released on bail, in C. R.52 of 2022 registered with Surgana Police Station, Tal. Surgana, District Nashik u/ss. 353, 332, 504, 506 of The I.P.C., on executing personal bond of Rs.50,000/-, with one or two sureties, in the like amount, each.
3. He shall not leave India without prior permission of the Court.
4. He shall not hamper or tamper with the prosecution witnesses or evidence.
5. He shall furnish proof of address of their residence and contact numbers.
6. He shall attend to the concern police station, once in a week, in between 11.00 a.m. to 1.00 p.m.
7. Bail before Ld. J.M.F.C.

Date : 20.12.2022.

(S.T. Tripathi)
Additional Sessions Judge,
Nashik.

