

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,
AT – NASHIK.

(Presided over by Mr. M. H. Shaikh)

Criminal Bail Application No.1276 of 2022

CNR No.MHNS010053962022



Abhishekh Datta Nagare

... Applicant/Accused.

V/S

State of Maharashtra

Through – P.I. Trimbakeshwar Police

Station (C.R. No.I-190/2022)

... Respondent/State.

Appearance :

Ld. Adv. Shri. Avinash D. Deshmukh for Applicant/Accused.

Ld. A.P.P. Shri. Sachin Gorwadkar for Respondent/State.

Sau.Rani V. Daphal P.S.I. (I.O.) present.

ORDER BELOW EXH. No.1
(Delivered on 21th October, 2022)

1. This is an application under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in C. R. No.I-190/2022 registered with the respondent Trimbakeshwar Police Station for an offence punishable under Sections 323, 336, 326, 504, 143, 147, 148 and 149 of the Indian Penal Code.

2. Read the application and the say filed by the respondent vide Exh.8. Heard Ld. Advocate for the applicant, Ld. A.P.P. for the State and the I.O., who is present in Court.

3. It is the prosecution case that the incident occurred in front of Sandip Foundation. Complainant and all the accused persons are students of Sandip Foundation. Quarrel took place in between accused No.1 and the complainant in the premises of Sandip Foundation. The said quarrel was stopped by some of the students and security guards of Sandip Foundation. Complainant called his brother and mother and thereafter again the incident occurred in front of gate of Sandip Foundation. All the accused persons assaulted the complainant and the brother of the complainant, who is injured.

4. It is the the case of the applicant that, because of previous enmity of the applicant with the complainant, his name is given by the complainant to the Police. He is falsely implicated, he did not assault the complainant or any other persons. Nothing is to be recovered or discovered at his instance. Ready to abide by the terms and conditions likely to be impose by the Court. Therefore, prayed to allow the application.

5. Respondent objected on the ground that custodial interrogation is necessary of the applicant. Offences alleged are serious in nature. Victim is still admitted in the Hospital. The applicant may pressurize and threaten the complainant and the witnesses. Therefore, prayed to reject the application.

6. Upon hearing and going through the material placed on record, what can be gathered is that, there is a delay in F.I.R. Out of the six accused persons, accused Nos.1 to 3 came to be arrested and are enlarge on bail by the Ld. J.M.F.C., Nashik. Applicant is accused No.4. Applicant is a student of Sandip Foundation. Nothing is to be recovered or discovered at his instance. Custodial interrogation of the applicant is not necessary.

Victim is still in Hospital is no ground to reject the bail application, when the applicant is otherwise entitle for bail. Major portion of the investigation is over. The apprehension of the respondent can be taken care by imposing certain conditions while allowing the application. In the result, the application succeeds. Hence, the order.

ORDER

1. Criminal Bail Application No.1276/2022 is allowed.
2. In the event of arrest Applicant Abhishekh Datta Nagare be released on bail on his executing personal bond of Rs.15,000/- with solvent surety in like amount to the satisfaction of the I.O. in connection with C.R. I-190 of 2022 registered with respondent/Tryambakeshwar Police Station under Sections 323, 336, 326, 504, 143, 147, 148 and 149 of the Indian Penal Code.
3. Applicant to remain present before the I.O. at the respondent Police Station on 23rd October, 27th October and 28th October, 2022 between 11.00 a.m. to 02.00 p.m. and co-operate the I.O. in the investigation.
4. Applicant not to tamper with the prosecution evidence.
5. Applicant not to threaten and pressurize the complainant and the witnesses.
6. Applicant not to repeat the same offence in future.
7. Inform the order to the I.O.
8. In above terms, Criminal Bail Application No.1276/2022 stands disposed off accordingly.

Place : Nashik.
Date : 21/10/2022

(M. H. Shaikh)
Additional Sessions Judge, Nashik.