

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

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

Criminal Bail Application No.1256 of 2022

CNR No.MHNS010053522022



Anil Rajendra Satpute & Ors. ... Applicant/Accused.

V/S

State of Maharashtra

Through – P.I. Wadivarhe Police

Station (C.R. No.I-155/2022) ... Respondent/State.

Appearance :

Ld. Adv. Shri. Uma Vallabhdas Mundada for Applicant/Accused.

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

Shri. R. B. Patil P.S.I. (I.O.) present.

ORDER BELOW EXH. No.1

(Delivered on 20th 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-155/2022 registered with the respondent Wadivarhe Police Station for an offence punishable under Sections 323, 452, 504 & 506 r/w 34 of the Indian Penal Code and under Section 4/25 of the Arms Act.

2. Read the application and the say filed by the respondent vide Exh.4. Heard Ld. Advocate for the applicant, Ld. A.P.P. for the State and the I.O., who is present in Court.

3. Crime stood registered against the applicants and another with an allegation that the applicants, because of the previous quarrel, which took place on 30.09.2022, entered in the house of the complainant with the sword in their hands, threatened and abused them and while going banged on the wall of the house the swords and threatened for murdering the son of

complainant by name Keshav Nathe. Matter came to be reported to the Police.

4. It is the case of the applicants that, they are falsely implicated, they did not assault the complainant or any other persons, because of earlier quarrel and as they have filed the N.C. with the Police, therefore, the present false case is filed. Nothing is to be recovered or discovered at their 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 applicants. Sword is to be seized. Offences alleged is serious in nature. 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., but it is explained by the complainant in the complaint. The swords are required to be seized, for that custody of applicants is necessary with the Police. Investigation is at a preliminary stage. Therefore, this Court finds that, discretion can not be invoke in favour of the applicants. In the result, the application fails. Hence, the order.

ORDER

1. Criminal Bail Application No.1256/2022 stands rejected.
2. Inform the order to the I.O.

Place : Nashik.
Date : 20/10/2022

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