

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK AT NASHIK
BAIL APPLICATION NO.1246 OF 2022

1.	Subhash Nivrutti Darade,]
2.	Bhausahab Nivrutti Darade,]
	Both R/o. Khopade (Kh.) Shivar, Darade] Applicants/
	Vasti, Tal.Sinnar, Dist.Nashik.] accused
	V/s.	
	The State of Maharashtra]
	Through–PI. Wavi Police Station)] Respondent/
	C.R.No.184/2022] prosecution

Advocate Shri.R.J.Kasliwal for the applicants/accused.
APP Shri.Kadave for the State.

ORDER BELOW EXH.1

This Bail Application u/s. 439 of Cr.P.C. registered at Wavi Police Station, in CR No.184/2022 for offence punishable u/s. 326, 324, 323, 504, 506, r/w. 34 of Indian Penal Code,1860.

2. In short, the prosecution case is that complainant and accused are close relative (भाऊबंद) and staying near to each other. On the date of incident 15.8.2022 informant husband Ramnath Jabaji Darade while washing his hand and legs, accused no.3 abused him in filthy language on the grounds of splashing of water on their body. He was trying make her understand accused no.1 and 2 came there. Accused no.1 assaulted Ramnath Jabaji Darade on his back, neck, head, chest, hand and leg. Accused no.2 and 3 also assaulted him by hands slap. Accused no.3 was threatening, 'सोडू नका यांना आज यांचा काटाच काढू' and therefore offence registered under aforesaid sections.

3. The fact of the applicants' case is that they are falsely implicated in this case. Considering the injury sustained victim which are not come under section 320 r/w. 326 of the IPC. They are ready to abide any condition.

4. I have heard Ld.Adv.Shri.Kasliwal who vehemently submitted that investigation is completed and charge-sheet is filed. He also submitted that in a case of assault by stick (काठी) section 326 cannot be attracted as there is no grievous injury sustained to the complainant.

5. I have heard APP Shri.Kadave who vehemently submitted that victim is a senior citizen. He was required to admit four different hospital. Applicants and complainant are residing in same village and they are neighbourer. There is possibility of assault by the applicants. Hence, prayed to reject the application.

6. This is second bail application filed by the applicants. Whereas, this is a first bail application after charge-sheet. I have gone through the charge-sheet it reveals that both applicants/accused are behind bar since 13.09.2022. The medical certificate reveals that the injured witnesses is discharged on 23.08.2022. Therefore, no purpose will suffice by keeping the accused behind bar after completion of investigation and filed charge-sheet. The earlier bail application was rejected considering the role of accused and stage of investigation. Now, at this stage, certainly there are change in circumstances. Looking into change of circumstance I am of the considered opinion that

applicants are entitled to release on bail subject to stringent conditions.
Hence, order :-

ORDER

1. Bail Application below Exh.1 is allowed.
2. Applicants/accused **Subhash Nivrutti Darade, Bhausahab Nivrutti Darade** be released on bail registered at Wavi Police Station in CR No.184/2022 for offence punishable u/s. 326, 324, 323, 504, 506, r/w.34 of Indian Penal Code,1860 on furnishing P. R. Bond of Rs.25,000/-each (Rs.Twenty Five Thousand Only) with one or two surety in like amount on following conditions.
 - (a) They shall not pressurize the prosecution witnesses and his family members and also come in contact in any way with them and co-operate the investigation agency.
 - (b) They shall not stay withing the vicinity of the Khopadi village for next one month from today.
 - (c) They shall not repeat the offence.
 - (d) If, they breach any of the abovesaid conditions it would be a cause to cancel the bail.
3. Criminal Bail Application stands disposed of accordingly.

Nashik.
Date : 20.10.2022

(Dr. U.J. More)
Additional Sessions Judge
Nashik.