

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK

AT – NASHIK.

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

Criminal Bail Application. No.20 of 2022

CNR No. MHNS010000562022



Bhushan Anil Borse

Age : 31 years, Occ : Labour

R/o : Behind Sankalp Hospital,

Shramik Nagar, Satpur, Nashik.

... Applicant/accused.

V/S

State of Maharashtra

Through Satpur Police Station.

(C.R. No.I-208/2021)

... Respondent.

Appearance :

Ld. Adv. Shri. Sameer R. Inamdar for Applicant.

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

PSI, Shri. S.S.Jadhav, I.O. is present.

ORDER BELOW EXH. NO.1

(Delivered on 11th January, 2022)

1. This is an application filed under Section 439 of Criminal Procedure Code for grant of regular bail in Crime No. I-208/2021 registered with the respondent Satpur Police Station for an offence punishable under Sections 325 & 326 r/w 34 of the Indian Penal Code.

2. Perusal of the F.I.R. reflects that incident occurred on 19.12.2021 at 22.00 hours. It is alleged in the F.I.R. that, a dispute had taken place in between the complainant and the applicant, who is accused No.2, prior to one and half years as applicant had teased the sister of the complainant. It is alleged that, on the day of incident applicant took the complainant to the place of accused No.1 and

accused No.1 had assaulted the complainant by an iron-rod on head, eye and other parts of the body. The complainant was seriously injured and was hospitalized. The matter came to be reported to the Police.

3. It is the case of the applicant that he is innocent and falsely implicated in this case. His role as per prosecution case is that he took the complainant to the place of accused No.1. Investigation is almost completed. Nothing is recovered or discovered at the instance of applicant. He is ready to abide by the terms and conditions. Therefore, prayed to allow the application.

4. Respondent filed say vide Exh.3 and objected the application. The grounds are that, the offences alleged are serious in nature. Applicant may threatened the complainant and witnesses and pressurize them. The complainant has lost his eye. Investigation is in progress. Therefore, prayed to reject the application.

5. Heard Ld. Advocate for the applicant and Ld. A.P.P. for the State. Gone through the police-paper of the case produced for inspection by the I.O.

6. Upon hearing and going through the material placed on record, what can be gathered is that, because of the dispute which had occurred one and half years ago between the applicant and complainant, the applicant took complainant alongwith him to the place of accused No.1 and accused No.1 assaulted the complainant by iron-rod on his head, eye and other parts of the body. The applicant has denied this fact. The allegations and the counter allegations shall be dealt with by the Trial Court at the time of Trial. As far as, the aspect of delay in filing the F.I.R. is concerned, as the complainant

was seriously injured and was not in a position to speak, therefore there is delay in lodging the F.I.R. This Court is called upon to see as to whether the discretion of granting bail can be invoke in favour of the applicant. For that purpose, the Court will have to see the role of the applicant, the availability of applicant at the time of Trial and any obstruction in the investigation. As far as role of applicant is concerned, he did not assault the complainant. Nothing is recovered or discovered at his instance. Offences alleged are triable by the Ld. J.M.F.C., Court. As far as the apprehension of the prosecution is concerned, that can be taken care by imposing certain conditions. There are no criminal antecedents reported by the Police of the applicant. Investigation is at the verge of completion. No purpose will be served in keeping the applicant behind the bar, when he is otherwise entitle for bail. In the result, the application succeeds. Hence, the order.

O R D E R

1. Criminal Bail Application No.20/2022 is allowed.
2. Applicant Bhushan Anil Borse be released on bail on his executing a personal bond of Rs.25,000/- with one or more solvent sureties in like amount to the satisfaction of the concerned J.M.F.C. Court.
3. Applicant Bhushan Anil Borse not to commit similar offence in future and to co-operate the Investigating Officer as and when he calls under prior written intimation.
4. Applicant Bhushan Anil Borse not to threaten and pressurize the complainant and witnesses of this Case.
5. Bail before the Ld. Magistrate's Court.
6. Office to inform this order to the respondent.
7. In the above terms, application stands disposed off accordingly.

Place : Nashik.
Date : 11/01/2022

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