

**Order below Exh.1**  
**in Cri. Bail Application No.56/2022.**  
(Dagadu Aablu Khode Vs State)

This is a first bail application moved by the applicant-accused Dagadu Aabaji Khode under section 438 of the Criminal Procedure Code for grant of bail in connection with CR No.872/2021 registered with Trimbakeshwar Police Station for the offence under section 326, 324 of the Indian Penal Code, in the event of arrest in connection with above referred crime.

2. It is stated in the application that the applicant-accused is working with Bhadwar Security and Labour Bureau on a private employment. A crime is registered against him on 9.11.2021 by the first informant Chandrakant Hiranman Khode under section 326 of IPC. It is further alleged that applicant-accused is no way connected with the present crime. It is also mentioned in the application that this applicant-accused himself lodged NC No.27/2022 against the first informant in connection with the incident of assault on him. Thus, on this ground and other ground set out in the application present application is moved.

3. Application is opposed by the prosecution and submitted that the grievous injury is reflected to the first informant by the applicant-accused and absconded till this date and his presence is required for custodial interrogation.

4. Heard learned counsel Shri. M. L. Khairnar for applicant-accused and submitted that first informant is discharged from the hospital on 9.11.2021. The alleged incident took place on 3.11.2021. Applicant-accused was not absconded, on the contrary he has filed NC

in the police station on 11.1.2022 against the first informant. He has placed on record xerox copy of the said NC. He therefore, prayed that as the weapon i.e. Bamboo stick which is used in commission of crime is already recovered by the police under spot panchnama, during the investigation. The injured is already discharged from the hospital and there is no necessity for custodial interrogation of applicant-accused as investigation is almost over and hence prayed to grant anticipatory bail to the applicant-accused.

5. He further added that antecedent of the applicant-accused are clean. He has no criminal background. He is permanent resident of Talegaon Trimbak and there are no chances that accused may abscond. He also submitted that accused will co-operate with the investigation agency and the presence of the applicant-accused is not required for interrogation with the I.O.

6. The learned APP Shri. Suryavanshi objected the application stating that injuries are grievous. Investigation is in progress and at this stage it would not be proper to grant anticipatory bail to the applicant-accused, hence, prayed to reject the same.

7. I.O. PNK 1092 Shri. K.M. More is present. He submitted that initially offence was registered under section 324 of the IPC and subsequently after perusing the medical certificate of the first informant section 326 of IPC is added in the crime on 16.11.2021. He also submitted that till this date applicant-accused is absconded and therefore, he prayed to reject the anticipatory bail application.

8. I have carefully gone through the entire proceeding. It appears that alleged incident of assault took place on 3.11.2021 and the injured was admitted in Civil Hospital, Nashik on 3.11.2021 and he

has given history of assault and MLC No.R -4867 was registered on the same day. I.O. submitted that on 16.11.2021 he collected the injury certificate from the Civil Hospital.

9. Thus, considering the entire facts and circumstances, it appears that the offence is non-bailable. Injured has suffered grievous injury, though he is discharged from the hospital that cannot be the ground to give sympathy to the applicant-accused as his name is mentioned in the FIR. Prima-facie case is made out by the prosecution. Investigation is at its tender age. Therefore, presence of applicant-accused is required for custodial interrogation as motive and intention on the part of the applicant-accused is required to be trace out by the I.O., therefore, to give sufficient opportunity to investigate the crime, though muddamal property i.e. weapon used in the crime is recovered, but that is not the ground to allow the application. Therefore, application is devoid of merit. Hence, following order is passed.

**ORDER**

- 1) Anticipatory Bail Application No.56/2022 is hereby rejected.
- 2) Inform the concerned police station accordingly.

Date-15.01.2022

( M. A. Shinde )  
Additional Sessions Judge-8,  
Nashik.