

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 04 OF 2022

{Mathias Augastuk Ekka and others vs. The State of Maharashtra
through Panchavati Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicants-accused in Crime No. 408 of 2021 registered with Panchavati Police Station, Nashik for the offences punishable under sections 353, 332, 504, 506 read with 34 of the I. P. C.

02] The applicant contended that false and fabricated case is registered against them. They are innocent person and have not committed any offence. The learned JMFC court, Shrirampur issued order in criminal M. A. No. 503 of 2021 under section 97 of the Cr. P. C. and issued search warrant to produce the child on 30.12.2021. But, the complainant and others had reached to his house on 29.12.2021 and without warrant started searching the house. On being question, they got annoyed and manhandled accused no. 1 who is aged old. They have no criminal antecedent. They are ready to abide by any conditions imposed by the court. They have prayed for grant of bail application.

03] learned APP has filed say at Ex. 4 and I. O. has also filed say at Ex. 05. They have stated that the offence is of serious nature. All the accused have assaulted and manhandled the police, while they were discharging public duty as per the order of said learned JMFC. The offence is against the public servant. If such accused are released on bail, then, there will be no fear in their mind against the public servant. Hence, they have prayed for rejection of bail application.

04] Heard the learned counsel for accused and learned APP. They have argued as per their stand taken.

05] I have gone through the application, say and the arguments. There is prima-facie case against all the accused. The dispute is outcome of a family matter between the applicant no. 2 and his wife regarding custody of child. The accused have no criminal antecedent. The dispute happened in spur of moment. The injuries caused to the public servant are of simple nature. The accused are in custody of police from past 4 to 5 days. Investigation against them is completed. The offence is at the most punishable up to 5 years of imprisonment. No purpose would serve to keep them behind bar. They are entitled for conditional bail. Hence, the following order :

ORDER

- 01] Application is allowed.
- 02] Accused namely 01] Mathias Augastuk Ekka, 02] Rohit Mathias Ekka, 03] Lavin Mathias Ekka and 04] Lalita Mathias Ekka be released on bail on executing personal bond of Rs. 15,000/- each with one or more surety in the likewise amount each respectively from Crime No. 408 of 2021 registered with Panchavati Police Station, Nashik for the offences punishable under sections 353, 332, 504, 506 read with 34 of the I. P. C.
- 03] The accused shall attend police station, as and when their attendances is required by the I. O.
- 04] They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer to tamper with the evidence.
- 05] They shall not tamper the prosecution evidence in any manner.
- 06] They shall not leave India without permission of

this court.

- 07] They shall not commit similar type of offence.
- 08] They shall furnish their detailed address with proof and their mobile numbers.
- 09] Bail before concerned court of Judicial Magistrate First Class.

Date : 05.01.2022

(R. R. Rathi)
Additional Sessions Judge-5,
Nashik.