

**Order below Exh.1**  
**in Cri. Bail Application No.98/2022.**  
( Pravin @ Bhayya Gorkshnath Kandalkar Vs State)

This is a bail application moved by the applicant-accused Pravin @ Bhayya Gorkshnath Kandalkar under section 438 of the Criminal Procedure Code for grant of anticipatory bail in connection with CR No.413/2021 registered with Wavi Police Station, Tal. Sinnar, Dist. Nashik for the offence under section 294 of the Indian Penal Code (hereinafter referred to as "IPC" for short) and section 3, 3(1) of the Police (Incitement to Disaffection) Act, 1922, in the event of arrest in connection with above referred crime registered on 23.12.2021.

2. It is stated in the application that, he has been falsely implicated in present crime. He has no connection with present crime. He is ready to abide the conditions laid down by the Court and therefore, prayed for anticipatory bail.

3. I.O. is present alongwith case diary and documents pertaining to the investigation conducted till this date and opposed the bail application by filing his report in the matter. Heard both the parties.

4. The the learned counsel for applicant-accused Shri. Ramesh Bhadane has submitted that the offence is non-bailable one. The applicant-accused apprehend arrest at the hand of police in connection with the false crime registered against him and therefore, prayed for protection by way anticipatory bail.

5. On the other hand, learned APP Shri. Suryvanshi opposed the bail application and submitted that accused is habitual and history-sheeter, number of crimes registered against him. I.O. has

filed the list of those crimes/cases which are registered and pending against the applicant-accused. Those are set-out in his report Exh.7, which is reproduced for ready reference as under:

- i) *CR I-126/2019 U/sec. 326,324,327,341,143,147, 148,149, 323,504,506 of IPC,*
- ii) *CR I-252/2020 U/sec. 324, 323,504,506 of IPC*
- iii) *CR I-425/2020 U/sec. 395,412,427 of IPC*
- iv) *CR I-29/2021 U/sec.354,341,279,337,323,504, of IPC*
- v) *CR I-55/2021 U/sec. 307, 506 of IPC*

6. On perusal of the entire record, it appears that applicant-accused was unnecessarily entered into the premises, which is prohibited due to election was to be held on 21.12.2021 at Z.P. School Sonewadi village, Tal. Sinnar. The first informant Sagar Balasaheb Kote was present on the said place on election duty. He was on patrolling duty alongwith other police personal. He was asked to move from that place, however, accused did not listen to the police party. It is further alleged that the accused on mobile No. 9561872874 has uploaded some objectionable material/messages, which are under mining the image of the police at large and therefore, FIR was lodged against applicant-accused.

7. I.O. PSI V.K. Sonawane of Wavi Police station submitted that there is terror of the applicant-accused in the area and he has committed several crimes within the jurisdiction of Wavi Police Station and behaving very arrogantly with the police and public at large. The public are under fear of applicant-accused and nobody coming forward to give any statement against him. Thus, on the background of this when this bail application was heard on yesterday

at length, the applicant-accused was directed to remain present in the court, however, he did not remain present today in the court. The mobile of the applicant-accused which is used in the crime is to be seized from him. Therefore, considering this fact and situation discussed above the present bail application deserves to be rejected. Hence, following order is passed.

**ORDER**

- 1) Anticipatory Bail Application No.98/2022 is hereby rejected.
- 2) Inform the concerned police station accordingly.

Date-29.01.2022

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