

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,
AT – NASHIK.

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

Criminal Bail Application No.1221 of 2022

CNR NO.MHNS010052912022



Shreyas Kishore Mandhare

... Applicant/Accused.

V/S

State of Maharashtra

Through – Wavi Police Station

... Respondent/State.

Appearance : Ld. Adv. Shri. Rahul J. Kasliwal for Applicant/Accused.
Ld. A.P.P. Shri. Sachin Gorwadkar for Respondent/State.
I.O. Shri. S. Z. Bairagi present.

ORDER BELOW EXH. NO.1

(Delivered on 17th October, 2022)

1. This is an application filed under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in C. R. No. I-151/2022 registered with the respondent Wavi Police Station for an offence punishable under Sections 326, 324, 143, 147, 148, 149, 504 and 120-B of the Indian Penal Code.

2. Read the application and the say filed by the respondent vide **Exh.4**. Heard Ld. Advocate for the applicant and Ld. A.P.P. for the State. Perused the police-papers produced for inspection by the I.O., who is present today in the Court.

3. It is alleged by the prosecution that, the applicant alongwith other accused persons assaulted complainant by iron-rod, iron-angle etc., on the head and legs of the complainant and injured him.

4. The applicant has come with the case for grant of pre-arrest bail on the ground of false implication and completion of major part of investigation. He is ready to abide by the conditions likely to imposed by the Court.

5. Respondent filed the reply vide Exh.04 and objected on the ground of seriousness of the offence, investigation is in progress, T.I. parade is to be conducted and possibility of threatening the witness.

6. On going through the arguments advanced by the duo Advocates and going through the material on record and the police-papers, what can be gathered is that, the other accused persons came to be arrested and were enlarged on bail by the Ld. J.M.F.C. Court. The muddemal came to be seized by the Police. Police required the custody of the applicant for T.I. parade. Applicant is the juvenile in conflict with law. In view of the authority of the Hon'ble Division Bench of Bombay High Court i.e. **“Ramesh Prakash Mundhe v/s State of Maharashtra in Anticipatory Bail Application No.277 of 2022, decided on 14th July, 2022”** It is was held that, the application under Section 438 of Cr.P.C. is maintainable, if the applicant is juvenile in conflict with law. Therefore, the application in hand is maintainable. As far as the ground about the requirement of applicant for T.I. parade is concerned, in view of Section 437 of Cr.P.C., if otherwise applicant is entitled for bail, then the ground of T.I. parade will not restrain the Court from granting the bail. By giving direction to the applicant to

remain present for T.I. parade and for interrogation as regards the incident, the application can be allowed. Hence, the order.

ORDER

1. Criminal Bail Application No.1221/2022 is allowed.
2. In the event of arrest, applicant Shreyas Kishore Mandhare be released on bail on his father furnishing a PB and SB of Rs.15,000/- (Rupees Fifteen Thousand Only), with one solvent surety of like amount to the satisfaction of the I.O. on following condition :-
 - (i) He shall attend the Wavi Police Station alongwith his father on Wednesday, Friday and Sunday i.e. 19th Oct., 21st Oct. and 23rd Oct. 2022 between 11.00 a.m. to 2.00 p.m. and co-operate the I.O. in investigation and for conduction of T.I. parade.
3. Inform concerned Police Station accordingly.
4. Criminal Bail Application No.1221/2022 stands disposed off accordingly.

Place : Nashik.
Date : 17/10/2022

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