

Order below Exh.1
in Cri. Bail Application No.101/2022.
(Vikram Ashok Gaikwad and other Vs State)

This is a bail application moved by the applicant-accused 1) Vikram Ashok Gaikwad, 2) Arun Lahanu Pawar, 3) Sahebrao Lahanu Pawar, 4) Amar Uttam Gaikwad, 5) Sunanda Harishchandra Lokhande, 6) Sarla Vilas Nikam, under section 438 of the Criminal Procedure Code for grant of anticipatory bail in connection with CR No.10/2022 registered with Sinnar Police Station for the offence under section 143,147,148,326,323,504,506,427 r.w.s.149 of the Indian Penal Code (hereinafter referred to as "IPC" for short), in the event of arrest in connection with above referred crime.

2. It is stated in the application that, the alleged incident of assault took place on 6.1.2022 and the FIR is lodged on 8.1.2022. The antecedents of the applicants-accused are clean and they are not hard criminal, they are local resident and therefore, prayed for anticipatory bail.

3. I.O. is present alongwith case diary. Heard both the parties.

4. The first informant marked her presence through Advocate U.V. Mundada and submitted her objection to opposed the present anticipatory bail application.

5. Perused the entire record. The learned counsel for applicant-accused Shri. R.D. Avhad has submitted that weapons used in the crime are already recovered. First informant and accused are relatives and incident might have occurred in hit of passion and therefore, on necessary conditions application may be allowed.

6. On the other hand, learned APP Shri. Suryavanshi submitted that first informant has sustained grievous injury and investigation is in progress. I.O. has submitted that custodial interrogation of accused is very much essential.

7. On perusal of the record, it appears that, accused have assaulted the first informant and other witnesses. Their medical certificates are on record. The first informant was admitted in Civil Hospital, Nashik and therefore, though incident occurred on 6.1.2022, the FIR came to be registered on 8.1.2022. I have also gone through the injury certificates of first informant Sunita Pawar, wherein there are fracture to left 8th and 9th ribs, there is vital injury on her both eyes. One Dada Pawar is also injured. He is also suffered three simple injuries. Therefore, considering all these facts, it is not fit case to grant anticipatory bail as there is prima-facie case against the applicants-accused. Hence, custodial interrogation of the accused is essential. Therefore, following order is passed.

ORDER

- 1) Anticipatory Bail Application No.101/2022 is hereby rejected.
- 2) The learned trial court apply its mind to the remand report in the event of arrest of accused uninfluenced with the observation made in the present application.
- 3) Inform the concerned police station accordingly.

Date-25.01.2022

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