

Order below Exh.1 in Cri. Bail Application No. 162/2022

Akash @ Akya Mahendra Rabade .. Applicant.
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Indira Nagar Police Station, Nashik.
(Cr. No.I 75/2021)

.. Prosecution

Order below Exh.1.

1. This subsequent application has been filed by the applicant/accused under section **439 of Cr.P.C.** for releasing him on **regular bail** in the aforesaid Crime registered at Indira Nagar Police Station, for the offence punishable under section 353, 323, 336, 337, 427 r/w. 34 of the Indian Penal code
2. The report was lodged by a Public Servant namely Rahul Dinkar Gaikwad, Sanitary Inspector on 08.04.2021 alleging therein that on 07.04.2021 around 08.45 to 09.00 pm, he was on duty alongwith his staff. They all were on patrolling duty at Ward No.31. When they were passing through Hotel Kattibutty, they found that the entrance of the said hotel was closed but they suspected some customers inside the said hotel. So, the complainant and his staff entered the said hotel and found that some customers are dinning. He instructed one of

the staff members to take photographs of the customers who were present there. The accused persons who were present inside the hotel, got annoyed and they started pelting stones on the complainant and staff members. They also assaulted them and also damaged their vehicle. Thus, they have obstructed the public servants who were on duty for implementing COVID guidelines while discharging their official duties.

Based on his report, crime was registered against the accused persons. Accordingly applicant was arrested on 01.02.2022 and since they are in jail.

3. The learned counsel Mr. H.S.Jadhav appearing for the applicant/accused has argued that he is innocent and has not committed any offence. The alleged incident took place long back almost a year and thus, there is no need to detain the applicant further in jail. He has no criminal antecedents. The co-accused is already released on bail and hence ground of parity is available to him. He is ready to cooperate with the investigation and ready to abide by each and every conditions if any imposed by this Court. Lastly, he prayed for bail to the applicant/accused.

4. The Investigating Officer has strongly opposed the application by filing say at Exh.5 stating that the offence is of serious nature. If applicants are released on bail, they may pressurize the witnesses and may tamper with evidence.

Hence, lastly prayed for rejection of the application.

The Id. APP Smt. R.Y.Jadhav has strongly opposed the application by filing her written argument vide Exh.6 and thereby stating that the offence is serious in nature. If applicant is released on bail, there is every possibility that he may tamper the witnesses and would not obey the terms and conditions. Hence, prayed for rejection of the bail.

5. After hearing both sides and on going through the police papers, it appears that report was lodged in the month of April, 2021, till date charge-sheet is not filed by the investigating officer for the reasons known to him. Considering the period of detention of the applicant, nature of the offence, punishment prescribed, I am inclined to release the applicant on bail with stringent conditions :

Order

1. Application is hereby allowed.
2. Applicant/ accused – Akash @ Akya Mahendra Rabade shall be released on **regular bail** on furnishing his P.R.bond of Rs.25,000/- with one or more sureties in the like amount.

He shall -

- (a) not act in manner injurious to the interest of the prosecution.

(b) furnish the address of his residence, copy of Pan and Adhar card at the time of execution of bond and shall not change the residence without prior permission of this Court.

3. If the applicant/accused commit breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

(Smt. S.S. Nair)

Date : 11.02.2022.

Addl. Sessions Judge-4, Nashik.