

**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION**  
**NO. 214 OF 2022**

{Ganesh Sunil Hire vs. The State of Maharashtra through Adgaon Police Station}

This is the bail application under section 439 of the Criminal Procedure Code, 1973 filed by the applicant-accused in crime No. 06 of 2022 registered with Adgaon Police Station, Nashik for the offences punishable under sections 392, 394, 504, 506 read with 34 of the I. P. C. and 3(1)(R) and 3(1)(S) Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

02] The applicant contended that false and fabricated case is registered against him. He is taking education. He is local resident of Nashik and having movable and immovable property. He has never abused the complainant in filthy language. The delay in lodging F. I. R. is not explained by him. Nothing is to be recovered from him. He has deep roots in the society. He is ready to abide by any conditions imposed by the court. He has prayed for grant of bail.

03] learned APP has filed say at Ex. 06 and I. O. has also filed say at Ex. 05. They have stated that the offence is of serious nature. If the accused is released on bail, he may threat the witnesses and may abscond. The accused has confessed the crime. Hence, he has prayed for rejection of bail.

04] Heard the learned counsel for accused and learned APP. They have argued as per their stand taken. The complainant appeared and filed his say and opposed the bail application. His counsel strongly objected the bail application as per the stand taken by the prosecution.

05] I have gone through application, say, arguments, documents, police papers. This is regular bail application. The accused were arrested and taken in Police custody. The amount of robbery is only of Rs. 6,00/- and nothing has been recovered from the accused.

The offence under section 3(1)(r)(s) of the Atrocities Act are not attracted because the offence is not in public view. The F. I. R. does not reflect that the abuses were given in presence of independent public witness. There is delay in lodging F. I. R. Their appears to be some business transaction between the accused and the complainant. Accused has no criminal antecedent. He is entitled for conditional bail. Hence, the following order:

**ORDER**

- 01] Application is allowed.
- 02] Accused namely Ganesh Sunil Hire be released on bail on executing personal bond of Rs. 15,000/- with one or more surety in the likewise amount each in crime No. 06 of 2022 registered with Adgaon Police Station, Nashik for the offences punishable under sections 392, 394, 504, 506 read with 34 of the I. P. C. and 3(1)(R) and 3(1)(S) Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
- 03] The accused shall attend police station, as and when his attendance is required by the I. O.
- 04] He 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 him from disclosing such facts to the court or to any police officer to tamper with the evidence.
- 05] He shall not tamper the prosecution evidence in any manner.
- 06] He shall not leave India without permission of this court.
- 07] He shall not commit similar type of offence.
- 08] He shall furnish his detailed address with proof and his mobile numbers.

Date : 21.02.2022

(R. R. Rathi)  
Special Judge,  
Nashik.

