

**Order below Exh.1 in Cri. Bail Application No.138/2022.**

{ Ganesh Yashwant Deshmukh Vs. State }

This is anticipatory bail application under section 438 of the Criminal Procedure Code for grant of pre-arrest bail.

2. The present application is moved by the applicant-accused Ganesh Yashwant Deshmukh praying to release him on anticipatory bail in connection with the CR No.13/2022 registered with Vani Police Station under section 392,323,504,506 of the Indian Penal Code alongwith under section 3(1)(r), 3(1)(s) of the of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. It is stated in the application that the incident had occurred at a temple of Jagdamba Mata, situated at Kasbe-vani on 24.1.2022 at about 10.15 a.m. a quarrel took place between the first informant and group of other persons regarding the parking of two wheeler. The allegation against this application are that he abused in filthy language to the first informant and hurled abuses in the name of his caste. It is stated that the first informant is belonging to the Scheduled Tribe caste. It is further stated that this applicant-accused was also assaulted by the group represented by one Satish Jadhav and sustained fracture injury to his nasal bone and is taking medical treatment at Krushna Hospital, Nashik. The applicant-accused is trustee of '*Saptshrungi Devi Trust*', Kasbe Vani, Tal. Dindori, Dist. Nashik. He is respected person in the society and if he is arrested in connection with the present matter, it will cause harm to his reputation in the society. Applicant-accused has never abused in the name of Caste of first informant. He has been falsely

implicated in this crime, these and other grounds set-out in the application, prayed to release on anticipatory bail.

4. The State opposed the application. I.O. has submitted his report. The First informant was served and today appeared through Advocate Shri. R.Y. Patil. He opposed the bail application and submitted that the police have applied section 392 of IPC to the present crime. The golden chain of Satish Jadhav was snatched by this applicant-accused and same is to be recovered. Hence, opposed the anticipatory bail application and maintained that the allegations made in the FIR are true account of the fact occurred at the time of incident.

5. The learned APP Shri. Suryvanshi opposed the application stating that the applicant-accused has abused in the name of caste to the first informant. Moreso, the chain of Satish Jadhav is to be recovered from the applicant-accused and therefore, prayed to reject the bail application.

6. I.O. has submitted that caste certificate of the first informant is recovered and he is belonging to Scheduled Tribe Community.

7. On perusal of the record, it appears that quarrel took place between the first informant and one Satish Jadhav in respect of parking of two wheeler on the day of incident in premises of Jagdamba Mata Temple, Kasbe-vani. This applicant was attacked by 5 to 6 persons including Satish Jadhav, first informant Bharat Wagh, Anand Somwanshi, Suraj Pandit, Nana Dhoom and others and in the said scuffle the present applicant-accused sustained fracture injury,

therefore, he reported the matter to Vani Police Station vide CR No.12/2022 on the same day on 24.1.2022. Thereafter, this first informant lodged counter FIR in the matter against the applicant-accused and the same is registered vide CR No.13/2022 by the Vani Police Station for the offence mentioned above.

8. Thus, from the fact of the case, it appears that incident occurred on spur of moment, cross cases are filed by both the parties against each other. So far as allegation of snatching of chain belonging to Satish Jadhav, it is hard to believe the story of the prosecution on this point as the applicant-accused who is trustee of temple of village Kasbe-vani can snatch the chain of Satish Jadhav. It is a free fight between the parties. Both of them have assaulted each other. Therefore, chances that after thought and due deliberation to implicate the applicant-accused in the particular offence cannot be ruled out. Therefore, considering all situation of the case, I am inclined to allow the present anticipatory bail application. Hence, Hence, following order is passed.

### **ORDER**

- 1) Application is allowed.
- 2) In the event of the arrest of the applicant-accused Ganesh Yashwant Deshmukh, in connection with CR No.13/2022 registered with Wani Police Station under section 392,323,504,506 alongwith section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, shall be released on bail on furnishing P.R. bond of Rs.30,000/- with one or two solvent sureties in the like amount.

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- 3) He shall not tamper the prosecution witnesses in any manner.
- 4) He shall attend the police station as per direction of Investigating Officer as and when required.
- 5) He shall give his permanent address proof, mobile numbers and also give mobile numbers of two nearest relatives.
- 6) The observation made in this application are only to decide the present anticipatory bail application and based upon the Investigation papers placed on record.
- 7) In the event of breach of any of the conditions, his bail bond shall be liable to be cancelled.
- 8) Inform Wani Police Station accordingly.

Date: 08.02.2022

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