

**CNR No. MHNS010004452022**

**Order below Exh.1 in Cri. Bail Application No.172/2022.**  
( Hemant Hiranman Patil and others Vs. State )

The present application is moved by the applicants-accused 1) Hemant Hiranman Patil, 2) Pramod Hiranman Patil and 3) Nirmla Hiranman Gangurde (Nirmla Hiranman Patil) under section 438 of Cr.P.C. in connection with CR No.18/2022 registered with Kalwan Police Station, Dist. Nashik for the offence U/s. 326,324,341,323,504,506 r.w.s. 34 of the Indian Penal Code.

2. It is stated in the application that, applicants-accused have been falsely implicated in the present crime. The first informant carried out illegal construction on the open place and therefore, adjoining land owners have made complaint against the first informant to the concerned Municipal Authority and Municipal Authority issued notice to stop the construction and therefore, the present applicants-accused have been falsely implicated in the present crime. Hence, they sought anticipatory bail.

3. The prosecution has opposed the bail application. I.O. is present. Perused the record. Heard, both the parties.

4. The learned counsel Shri. R.V. Jadhav submitted that the alleged incident took place on 20.1.2022, FIR came to be registered on 24.1.2022. There is 4 days delay in lodging the FIR. The First informant allegedly took treatment in private hospital, owned by his relatives and therefore, produced false certificate showing grievous injuries caused to first informant. He also submitted that the first informant instead of taking treatment in Government Hospital moved to private hospital in order to give colour seriousness to the present matter. Hence, he submitted that

applicants-accused may be granted anticipatory bail in the evidence of their arrest in connection of present crime.

5. The learned APP Shri. Suryavanshi opposed the bail application stating that the injured was admitted in Suvidha Hospital from the date of incident i.e. 20.1.2022 to 3.2.2022. He submitted that injury certificate shows that the informant had suffered multiple episodes of vomiting and severe pain in left side of body. Therefore, he submitted that the bail application may be rejected.

6. I.O. ASI Shri. Y.Z. Boye submitted that he himself noted down the statement of injured Suvidha Hospital, Malegaon. He collected injury certificate of the first informant, which shows the nature of injury grievous. He has to recover the weapon i.e. Bamboo used in commission of crime and therefore, submitted to reject the application.

7. On perusal of the record, it appears that earlier one N.C. is registered at the instance of present applicant-accused Hemant Hiranman Patil against the first informant on 17.1.2022 under section 323, 504,506 of IPC bearing No. 25/2022 registered with Kalwan Police Station. The record further shows that the residents of NDCC Bank Colony, Ganesh Nagar, Kalwan have made complaint against the first informant regarding illegal construction. The present applicant-accused is signatory at Sr. No.9. The Chief Executive Officer, Nagar Panchayat, Kalwan has issued a notice dated 17.1.2022 against the first informant confirming the fact that the first informant had carried out illegal construction and directed to stop the illegal construction immediately. Thus, on the

background of this situation alleged incident dated 20.1.2022 took place, when the applicants-accused assaulted the first informant and his wife when they were proceeding on their scooty. The first informant was assaulted by Bamboo stick, his wife also assaulted by Mangalabai Hiranman Patil by stone and assaulted her by fist and kicks. The applicant-accused Pramod Hiranman Patil assaulted by Bamboo stick to the first informant, who received injuries on his chest and back. Initially he took treatment in PHC Kalwan, however, as he was feeling uncomfortable, therefore, he was further admitted in Civil Hospital, Malegaon and thereafter, to Suvidha Hospital, Malegaon.

8. I.O. submitted that till this date he has not recovered the MLC certificate of the Government Hospital, however, by tomorrow he will recover the said MLC certificates. From the record it appears that there is background to the present incident, earlier NC was registered at the instance of applicant-accused against the first informant and therefore, it is sequel to the said incident and the first informant was assaulted on his chest, back by the applicant-accused. Thus, there is prima-facie case against the applicants-accused. There is involvement in the crime is visible. Motive behind the crime is also made out, weapon Bamboo used in the crime is to be recovered. The main object of the anticipatory bail is to protect the citizens from unnecessary arrest at the hands of police. However, in the case in hand, involvement of applicants-accused is visible. Therefore, to my mind case for anticipatory bail is not made out. Hence, following order.

**ORDER**

- 1) Anticipatory bail application No.172/2022 is hereby rejected.
- 2) Inform to concern police station accordingly.

Date- 14.02.2022

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