

ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION
NO. 189 OF 2022

A....

(The applicant is Juvenile, therefore, his name is not disclosed in the uploading order.)

Vs.

The State of Maharashtra through Panchavati Police Station

This is an application under section 438 of the Criminal Procedure Code, 1973 for grant of anticipatory bail in Crime No. 47 of 2022 registered with Panchavati Police Station for the offences punishable under sections 324, 323, 504 read with 34 of the I. P.C.

02] The applicant contended that he has not committed the offence and is falsely implicated in the crime. The offences are not attracted against him. There is counter case against the present complainant. This complaint is filed after thought. The applicant has deep roots in the society and has no criminal antecedent and will abide by any conditions imposed by the court. His custodial interrogation is not required. He is ready to abide by any conditions imposed by the court. Hence, he has prayed for grant of bail.

03] I. O. filed say at Ex. 06 and APP filed say at Ex. 05. They have stated that the offence is of serious nature. The accused has not obeyed the terms of interim bail. What weapons were used has to be seen and his custodial interrogation is required. Yet, other accused are to be arrested. If the accused is released on bail, he may again commit the offence and will threat the complainant and the prosecution witnesses. Hence, they have prayed for rejection of bail.

04] Heard the learned counsel for the accused and learned APP. They have argued as per the above stand taken.

05] I have gone through application, say, arguments and Police papers. Initially, the offence under section 324 of the I. P.C. was registered, which bailable. Thereafter, section 326 of the IPC was added.

There is fracture injury to the jaw of the complainant. He is out of danger. The stones are seized. For the purpose of knowing other accused and knowing what other weapons were used in the crime, custodial interrogation of the accused is not required. The other weapons are nowhere whispered by the complainant in the F. I.R. Imaginary ground is raised by the I. O. only to oppose the bail application. The apprehension of I. O. that the prosecution witnesses will be threatened and evidence will be tamper, can be taken care by imposing suitable terms and conditions. The accused is entitled for anticipatory bail on the same terms and conditions as that of ad-interim bail below Ex. 4. Hence, the following order.

ORDER

- 01] Application is allowed.
- 02] The ad-interim bail granted to the accused below Ex. 4 is hereby confirmed on the same terms and conditions. Further the accused should attend the police station on 16.02.2022 and 17.02.2022 in between 11.00 a.m. to 02.00 p.m. at the concerned police station and help the police in investigation.
- 03] Inform the concerned Police station and A. P. P. accordingly.

Date : 14.02.2022

(R. R. Rathi)
Additional Sessions Judge-5,
Nashik.