

Order below Exh.1 in Cri. Bail Application No. 143/2022

Pradip @ Sonya Somnath Kapse .. Applicant/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Nasik-Road Police Station, Nashik.
(Cr. No.I 287/2021) .. Prosecution

Order below Exh.1.

1. This application has been filed by the applicant/accused under section **438 of Cr.P.C.** for grant of **anticipatory bail** in the event of his arrest, in the aforesaid Crime registered at Nashik-Road Police Station, for the offence punishable under section 143, 147, 149, 326, 323, 504 of IPC.

2. According to the prosecution, the FIR was lodged by one Vijay Karbhari Chavan on 15.10.2021 alleging therein that all the accused persons had assaulted his uncle and brother with Iron pipe at two different incidents. As a result of assault, they sustained injuries and he shifted both the injured to the Bytco Hospital and then to Civil Hospital. Accordingly, he lodged report with police station against the applicant and co-accused.

Based on his report, crime was registered against the applicant and co-accused and he is apprehending arrest at the hands of the police. Hence prayed for anticipatory bail.

3. The learned counsel Mr. G. M. Shaikh appearing for the applicant/accused has argued that the applicant is innocent and has not committed any offence. The weapons were already seized from the co-accused. No specific role is assigned to the applicant. As the recovery is made, custodial interrogation of the applicant is not required. The co-accused are already released on bail by the trial Court. The ground of parity is available to the applicant. Lastly, he prayed for grant of application.

4. The investigating officer has opposed the application by filing reply Exh.7 and contended that since the registration of the offence, applicant is absconding. The alleged weapon is yet to be seized. The offence is of serious nature and custodial interrogation is necessary. Hence, prayed for rejection of the application.

The ld. APP Smt Jadhav has strongly opposed the application stating that the offence is serious in nature. His custodial interrogation is necessary. Hence, prayed for rejection of the bail.

5. After hearing both the sides and going through the case-diary, it appears that till date, police did not collect the injury certificate of the injured. From perusal of say filed by investigating officer, it appears that investigating officer has already seized the Iron pipe used in the crime and co-accused No.2 and 3 are already released on bail by the trial Court. Considering the nature of offence and the fact of recovery of weapon used in the crime from other co-accused, custodial interrogation of applicant is not required. So also, the

ground of parity is also available. Hence, I am inclined to grant bail to applicant on following conditions.

Order

1. Application is hereby allowed.
2. In the event of arrest, Applicant/ accused – Pradip @ Sonya Somnath Kapse be released on **anticipatory bail** on furnishing his P.R.bond of Rs.20,000/- with one or more sureties in the like amount, on the following conditions:-

He shall -

- (a) not act in manner injurious to the interest of the prosecution.
 - (b) maintain law and order.
 - (c) 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.
 - (d) applicant is ordered to attend the concerned police station as and when asked by the Investigating Officer and cooperate with the investigation.
3. If the applicant/accused commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

Date : 11.02.2022.

(**Smt. S.S. Nair**)
Addl. Sessions Judge-4, Nashik.