

Order below Exh.1 in Cri. Bail Application No.194/2022.
{ Shankar Shivram Potinde 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 Shankar Shivram Potinide praying to release him on anticipatory bail in connection with the CR No.885/2021 registered with Trimbakeshwar Police Station under section 307,323,504 r.w.s.34 of the Indian Penal Code on 9.12.2021.

3. It is stated in the application that the accused is named in the FIR alongwith main accused. The main accused is already arrested, weapons used in the crime are already recovered. It is further stated that the applicant-accused is permanent resident of locality. He will co-operate with the police machinery, these and other grounds set-out in the application, prayed to release on anticipatory bail.

4. I.O. is present and submitted his report. Heard, both the parties.

5. Perused the record and paper placed before me by the I.O. in respect of the investigation conducted by the I.O. till this date.

6. It is matter of record that the incident occurred on 9.12.2021 and FIR lodged on the same day, however, till this date police have failed to arrest the applicant-accused alongwith one Juvenile i.e. Juvenile in conflict with law. On perusal of the record,

it appears that the first informant Mohan Navsu Dhore has lodged the FIR alleging assault initially on his elder brother Rama Navsu Dhore in the morning at 9.00 a.m. and subsequently second incident occurred on the same day at 9.00 p.m.. Accused Budha Pandu Dhore inflicted the knife blow on abdomen on the right side, elder brother Rama was also assaulted by another accused Gokul Tukaram Dhore by unknown weapon. Both the witnesses sustained bleeding injuries. FIR discloses that present applicant-accused is also present on the spot, so far as investigation conducted by the I.O. Present applicant-accused also assaulted by first and kick blow. These are the only allegation against the present applicant-accused. So far as the purpose of deciding the present anticipatory bail the role of the present applicant-accused is to the extent as described above. It is also matter of record that near about 2 months have been lapsed sine registration of the crime. I.O. has submitted that he has recovered the weapons used in the crime. So far as custodial interrogation is concerned, no specific ground is mentioned in the report submitted by I.O. Therefore, in view of above discussion, I am inclined to grant anticipatory bail. Hence, following order is passed.

ORDER

- 1) Application is allowed.
- 2) In the event of the arrest of the applicant-accused Shankar Shivram Potinde, in connection with CR No.885/2021 registered with Trimbakeshwar Police Station under section 307,323,504 r.w.s.34 of Indian Penal Code, shall be released on bail on furnishing P.R. bond of Rs.30,000/- with one or two solvent sureties in the like amount.
- 3) He shall not tamper the prosecution witnesses in any

manner.

- 4) He shall attend the police station two days in a week in between 11.00 a.m. to 2.00 p.m. for the period of one month from the date of this order.
- 5) He shall give his permanent address proof, mobile numbers and also give mobile numbers of two nearest relatives.
- 6) Inform Trimbakeshwar Police Station accordingly.

Date: 16.02.2022

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