

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK**

**AT – NASHIK.**

**(Presided over by Mr. M. H. Shaikh)**

**Criminal Bail Application. No.124 of 2022**

**CNR No.MHNS010003122022**



**Vishal Vijay Chafalkar**

Age : 21 years, Occ : Labour

R/o : Pendharkar Colony,

Sane Guruji Nagar, Jail Road,

Nashik Road, Tal. & Dist. Nashik.

... Applicant/accused.

**V/S**

State of Maharashtra

Through Upnagar Police Station.

(C.R. No.I-278/2021)

... Respondent.

**Appearance :**

Ld. Adv. Shri. Gulam Mustafa H. Shaikh for Applicant.

Ld. A.P.P. Shri. Sachin Gorwadkar for Respondent.

Shri. S. B. Khadke A.P.I. (I.O.) present.

**ORDER BELOW EXH. NO.1**

**(Delivered on 04<sup>th</sup> February, 2022)**

1. Read the application and say filed by the respondent vide Exh.4. Heard Ld. Advocate for the applicant and Ld. A.P.P. for the State.
2. Crime stood registered bearing C.R. No.I-278/2021 registered with the respondent Upnagar Police Station for an offence punishable under Section 307, 323, 504 & 506 r/w 34 of the Indian

Penal Code against the applicant and other two accused persons, for an allegations that the accused persons assaulted the said injured Rahul Chafalkar by means of sickle on his stomach.

3. It is argued by Ld. Advocate for applicant that there was Haldi programme and in that programme the said Rahul was dancing and there was a dispute as regards the fact that he was pushed while he was dancing and therefore the allegations is that while said injured was walking at Jogging Track at Shikharewadi ground, the applicant assaulted him by means of iron sickle on his stomach and caused grievous injury. It is the case of the applicant that they have also filed a counter case against the applicant and his relatives. The applicant is falsely implicated in this Crime. The sickle is seized. Investigation is completed. The applicant will abide by the terms and conditions. Therefore, prayed to allow the application.

4. On the other hand, Ld. A.P.P. for the State submits that alleged offences are serious in nature. There is an involvement of applicant in the Crime. The articles came to be seized under the panchanama under Section 27 of Indian Evidence Act. The absconding accused persons are yet to be arrested. The applicant and the injured are resident of same area. Therefore, prayed to reject the application.

5. Upon hearing and going through the material placed on record, what can be gathered is that, in a Haldi programme of marriage the injured Rahul was dancing and got pushed and therefore it seems that some dispute arose. Later on it was converted into alleged incident, wherein it is alleged that the applicant assaulted injured Rahul by means of iron sickle on his stomach and thereby caused grievous injury.

The applicant has refuted the allegations. However, the fact is that the applicant sustained injured on his stomach, which is vital part of body. So also other two accused persons are yet to be arrested. Offences alleged are serious in nature. Investigation is in progress. The applicant and the injured are resident of same area. If the applicant is enlarge on bail certainly he may threaten and pressurize the complainant and the witnesses. Therefore, at this juncture this Court finds that, this is not a fit case to grant bail. Hence, the Order.

**ORDER**

Criminal Bail Application No.124 of 2022  
stands rejected and disposed off accordingly.

Place : Nashik.  
Date : 04/02/2022

**(M. H. Shaikh)**  
Additional Sessions Judge, Nashik.