

**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION**  
**NO. 186 OF 2022**

{Yogesh Madhav Vaghamare and another 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 applicants contended that they have not committed the offence and are falsely implicated in the crime. The offences are not attracted against them. There is counter case against the present complainant. This complaint is filed after thought. The applicants have deep roots in the society and have no criminal antecedent and will abide by any conditions imposed by the court. Their custodial interrogations are not required. They are ready to abide by any conditions imposed by the court. Hence, they have 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 have not obeyed the terms of interim bail. What weapons were used has to be seen and their custodial interrogation is required. Yet, other accused are to be arrested. One crime is pending against the accused. If the accused are released on bail, they 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. One crime which is registered against the accused is bailable and it will not be hurdle to reject this 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 are 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 both 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.