

Order below Exh. 1 in, Cri. Bail Application No. 342/2022

(Alliance Enterprises, Through it's Proprietor Mina Baban
Sharangdhar Vs. State)

This is an application, for pre-arrest bail u/s. 438 of Cr.P.C. in Crime No. 61/2022 registered with Sarkarwada police station, Nashik u/s. 420,408,34 of Indian Penal Code(for short "IPC").

2. Learned counsel for the applicant/accused 1 submits that, she is innocent person and has been falsely implicated. She has got fixed and permanent place of residence and undertakes to cooperate investigation and on 15.03.2022 vide order passed below Exh.4, ad-interim relief has been granted to applicant/accused 1.

3. Learned A.P.P. Mr. R.M. Baghdane, by filing pursis (Exh.7) adopted say filed by I.O (Exh.6) and strongly objected this application. I.O. is present alongwith case dairy.

4. Perusal of record reveals that, above crime was registered against applicant/accused 1 on 11.03.2022 at 22.45 hours. As crime was not registered, by order dated 11.03.2022 Cr. Bail Application No. 312 of 2022 concerning the above matter, has been disposed of, as under.

(2)In the circumstances, the respondent police station is directed that, in the event, FIR is registered and it intend to arrest applicants (1) Akshaya Baban Sharangdhar & (2) Mina Baban Sharangdhar proprietors of Alliance Enterprises,72 hours prior notice in writing shall be issued to applicants.

5. Learned APP opposed this application on the grounds that, both accused in furtherance of their common intention did not submits CCTV Footage from December 2020 to the office of complainant, they intentionally neglected security of strong room where EVM/VVPAT machines were kept as the office of complainant not paid their bills, intentionally disobeyed the order

of Collector , kept Monitors adjacent to wall of strong room , did not keep it at police security guard, so as to cause damage i.e. short circuit to the strong room, instead of direction of Investigation officer accused intentionally remained absent for investigation, investigation is incomplete, statements of witnesses are yet to be recorded,accused may abscond and may tamper or hamper prosecution evidence. Accused 1 and 2 are mother and son. As per prosecution case, they have installed CCTV Cameras as per the Tender. Above grounds raised by learned APP are not satisfactory to oppose pre-arrest bail. For the purpose of investigation, on above grounds custodial interrogation is not necessary. By imposing conditions, investigation can be carried out. Offences alleged are not punishable with death or life imprisonment. As, above Crime Number has been registered, the apprehension in the mind of applicant/accused 1 of being harassed, man handled, arrested seems to be reasonable, warranting pre-arrest protection. Hence, the order.

ORDER

1. The application stands allowed.
- 2 Interim order dated 15.03.2022 passed below Exh.4 stands confirmed.
3. She shall attend the police station on **each Monday for one month** between 11 a.m. to 01.00 p.m.

Date:22.03.2022.

(S.T. Tripathi)
Additional Sessions Judge-7,
Nashik.