

Order Below Exh. 1 In Cri. Bail Application No. 286/2022
(CNR No. MHNS 010008642022)

Attaullah Allauddin Shaikh Vs. State.

Heard- Ld. Adv. Mr. Anand Bhosle for the applicant.
Ld. A.P.P. Ms. S. S. Sangle for the State.

1] This is an application under section 438 of Criminal Procedure Code in Crime No. 213/2021 registered at Upnagar Police Station, Nashik for the offence under Sections 354, 494, 323, 504 & 506 of the Indian Penal Code, 1860. It is the case of prosecution in brief that when the complainant was going on his motorcycle with his toddler daughter, accused No. 1 stopped him and picked up a quarrel with him and also assaulted him. In the meanwhile, another co-accused came to the spot and assaulted him with a rod and also took his gold chain. Thereafter, complainant's wife came to the spot and was molested by one of the co-accused. The other co-accused(including the applicant) also came to the spot and assaulted the complainant with fists and blows.

2] Ld. Adv. for the applicant has submitted that the applicant is not the prime accused. There is no allegation against him either under Section 354 or Sec. 395 of the I.P.C. The only allegation against him is of assaulting with fists and blows. There is 40 days delay in lodging FIR. Investigation is over and charge-sheet has been filed. Custodial interrogation of the applicant is not necessary. No recovery needs to be made

from him. Applicant is ready to abide by the terms and conditions imposed by the Court.

3] Per contra Ld. A.P.P. has opposed the application on the ground that custodial interrogation of the applicant is necessary. He was absconding.

4] Applicant is not the prime accused. There is no allegation of chain-snatching or molestation against him. The only allegation against him is that of assaulting with fists and blows. Investigation is over and charge-sheet has been filed. Therefore, custodial interrogation of the applicant is not necessary. Applicant is ready to co-operate with the investigating agency (if required for further investigation). In view thereof, I am inclined to allow the application in terms of the following order.

ORDER

- 1) The application Exh. 1 is allowed.
- 2) In the event of arrest of applicant Attaullah Allauddin Shaikh, he be released on executing P. R. bond of ₹15,000/- with one local surety of like amount.
- 3) Applicant shall attend the concerned Police Station as and when called by the Investigating Officer (if required for further investigation).
- 4) Applicant shall co-operate in the investigation (if required for further investigation) and shall not tamper with the prosecution witnesses.

09/03/2022
Nashik

Mridula Bhatia
District Judge-2 and
Addl. Sessions Judge, Nashik