

Order below Exh.1 in Bail Application No. 332/2022

1/- Dada Lahanu Pawar & Ors. 5 .. Applicants/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Nashik-Road Police Station, Nashik-Road.
(Cr. No.I 67/2022) .. Prosecution

Order below Exh.1.

1. This application has been filed by the applicants/accused under section **438 of Cr.P.C.** for releasing them on **anticipatory bail** in the event of their arrest in the aforesaid Crime registered at Nashik-Road Police Station, for the offence punishable under sections 395, 354, 427, 452, 323, 504, 506 of the Indian Penal Code and u/s. 4/25 of the Arms Act and accordingly, this Court has granted interim protection to applicants on 11.03.2022.

2. Heard Learned advocate Shri. V.R.Deshpande, for the applicants, Learned APP Shri Gorwadkar for the State and ld. Adv. Shri Inamdar for complainant. Perused the documents appended with the application and the documents produced on record by the intervenor.

3. It is the case of the prosecution that the applicants committed criminal trespass into the house of informant, assaulted, abused them, destructed the property and also committed dacoity during the course and outraged the modesty of informant.

4. The Id. Advocate for the Applicants submitted that the applicants and the informant are relatives. Informant is the sister of applicants. They have property dispute. Applicants party have also lodged various complaints against the informant's son. Copy of those complaints are produced on record. It is further contention of Id. Advocate for the applicants that there is delay of 24 hours in lodging report. The complaint is nothing but the false implication of applicants, just to harass them. Applicant No.1 and 2 are doing job at Ratnagiri. They were present on their job at relevant time. Evidence to that effect is provided to investigating officer but it was not considered. There is no any investigation to that effect. Accused No.1 was arrested and released on bail. Allegations in respect of outraging of modesty are quiet absurd as informant is sister of applicants. After grant of interim bail, applicants have marked presenty in concerned police station and cooperated the investigation. Copies of presenty document are produced on record. (List Exh.33). Thus, Id. Advocate for the applicants submitted to confirm the interim relief granted to applicants.

5. Per contra, Id. APP Shri Gorwadkar submitted that the offence committed by the applicants is very much serious in nature. CCTV footage in the form of photographs are produced on record which shows destruction at the house of informant. Recovery of looted

muddemal as well as weapon is not yet done. Investigation is in progress. Therefore, application filed by the applicants be rejected.

6. On perusal of record, it reveals that admittedly, there was dispute between the parties on account of landed property. Accused No.1 has lodged various complaints against the son of informant. Apparently, there is delay in lodging report which creates prima facie doubt about its veracity. Say filed by the investigating officer did not reflect any progress in investigation. Moreover, applicants have produced documents on record to show that they have marked presenty and cooperated the investigation. Considering the background fact that parties have rivalry on account of property dispute and there are cases and counter cases against each other, prima facie false implication cannot be ruled out.

7. In respect of the offence of outraging modesty law is settled as follows *“In regard to the allegations of assault or criminal force with intent to outrage her modesty and intimidation as envisaged under Secs. 354-A, 504 and 506 read with Sec. 34 of IPC, custodial interrogation of the applicant is not necessary for the sake of investigation.”*

8. As per the contention of the Ld. Advocate for the applicants, the applicants have no criminal antecedents. Applicants No.1 and 2 are Government servant and serving at Ratnagiri. They are ready to abide any condition on grant of bail. Therefore, interim protection granted to applicants by this Court on 11.03.2022 can be confirmed subject to same conditions. Hence, the order.

:: ORDER ::

- 1] The application (Exh. 01) is allowed.
- 2] Interim protection granted to applicants stands confirmed subject to conditions.
 - A] That the applicants shall make available for the interrogation before Investigating Officer as and when called under written intimation.
 - B] The applicants shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade them from disclosing such facts to the Court or to any Police Officer.
- 3] Inform concerned PSO accordingly.

Nashik.

Date : 14.06.2022.

(Aditee U. Kadam)

Additional Sessions Judge-2, Nashik.