

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,
AT – NASHIK.

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

Criminal Bail Application No.315 of 2022

CNR No.MHNS010010352022



Rahul Pralhad Kole

Age : 21 years, Occ.: Labour

R/o : Canal Road, Jail Road,
Nashik Road, Nashik.

... Applicant/Accused.

V/S

State of Maharashtra

Through – P.I. Upnagar Police

Station (C.R. No.I-49/2022)

... Respondent/State.

Appearance : Ld. Adv. Shri. A. C. Pradhan for Applicant/Accused.
Ld. A.P.P. Shri. Sachin Gorwadkar for Respondent/State.
Shri. Abhijeet Bhatule, PSI (I.O.) present.

ORDER BELOW EXH. No.1
(Delivered on 15th March, 2022)

1. This is an application filed under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in C. R. No. I-49/2022 registered with the respondent Upnagar Police Station for an offence punishable under Sections 326, 324, 323, 504, 506, 143, 147, 148 & 149 of the Indian Penal Code.

2. Perusal of the F.I.R. reflects that an incident occurred on 22.02.2022 at 10.30 p.m. on the road near Sanjivani Hospital. Complainant and one Mahesh were on the spot, at that time Sohan came over there and asked party to Mahesh, which Mahesh refused.

Therefore the said Sohan abused him and Kunal came over there and he pushed Mahesh. Kunal took the paver block (फरशी) and assaulted the said Mahesh on his nose. While Mahesh was taken to hospital, the applicant and other accused persons were having weapons with them. Rohan took the sickle from Subham and assaulted the complainant on his head and thereafter they ran away. Matter came to be reported to the Police.

3. It is the case of the applicant that, he is falsely implicated in this case. The role attributed to the applicant is that, he was having sickle in his hand. The actual assault was made by the co-accused, who is released on bail. Muddemal is recovered. Custodial interrogation of this applicant is not necessary. Ready to abide by the terms and conditions. Therefore, prayed to allow the application.

4. Respondent filed their say vide Exh.6 and strongly objected by saying that the offence alleged is serious in nature. Applicant has a role in the said Crime. He was present on the spot. Custodial interrogation is necessary. Recovery of muddemal is to be made. The applicant has threatened the complainant and witnesses and therefore they have lodged the N.C. bearing No.526 of 2022 with the Police on 06.03.2022. Therefore, prayed to reject the application.

5. Heard Ld. Advocate for the applicant, Ld. A.P.P. for the State and the I.O. in person. So also gone through the injury certificate of Mahesh and copy of N.C. bearing No.526 of 2022.

6. Upon hearing and going through the material placed on record, what can be gathered is that there were six accused persons and

out of that four accused persons came to be arrested and enlarged on bail by the Ld. J.M.F.C. One accused is absconding and the applicant has filed the present application.

7. The first incident occurred at 10.30 p.m., when the complainant and Mahesh were present, at that time Soham and Kunal were present on the spot. Soham demanded a party to Mahesh, which Mahesh refused and therefore some quarrel took place and Kunal pushed Mahesh and Soham took the paver block and assaulted the said Mahesh on his nose. The said Mahesh was taken to hospital at that time the accused persons came over there with weapons in the hand. The said Soham took the sickle from the hands of Rohan and assaulted on the head of the said Mahesh. If we see the F.I.R. and if we read the F.I.R. as a whole, one will find that applicant is also equally responsible for the said offence. Applicant was present on the spot with sickle in his hand. The F.I.R. speaks about the said fact. There is a N.C. filed by the complainant against the said applicant that he is threatening the complainant. Injury certificate reflects that Mahesh sustained grievous injury. Recovery of muddemal from the applicant is to be made. Therefore, custodial interrogation of the applicant with the Police is necessary. Therefore, this Court finds that, this is not a fit case to grant pre-arrest bail. In the result, the application fails. Hence, the order.

ORDER

Criminal Bail Application No.315 of 2022
is rejected and disposed off accordingly.

Place : Nashik.
Date : 15/03/2022

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