

Order below Exh.1 in Cri. Bail Application No.327/2022

- 1) Roshan Kailas Dholi,
 - 2) Sagar Dilip Dholi,
 - 3) Nivrutti Sadashiv Dholi,
 - 4) Kailas Sadashiv Dholi,
 - 5) Devidas Sadashiv Dholi
- ... Applicants
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Sinnar Police Station, Sinnar.
(Cr. No.I 78/2022)

.. Prosecution

Order below Exh.1.

1. This application has been filed by the applicants/accused under section **439 of Cr.P.C.** for releasing them on **regular bail** in the aforesaid Crime registered at Sinnar Police Station, for the offences punishable under sections **143, 417, 148, 149, 326, 324, 323, 452, 504 & 506** of IPC and u/s. **4/25** of Indian Arms Act.

2. According to the case of the prosecution, the FIR was lodged on 02.03.2022 by one Anil Dattu Wagh alleging therein that all the accused persons formed unlawful assembly, went to the house of the complainant and accused No.6 then questioned the complainant as to why he has given miss-call to his wife. As a result, there was exchange of hot words between them and thereafter accused assaulted them mercilessly by using deadly weapons like sword, iron rod etc.

On the basis of his report, the offence was registered

against the applicants and other co-accused. The applicants were arrested on 04.03.2022 and since then, they are in judicial custody.

3. The learned counsel Mr. A.J.Bhide appearing for the applicants/accused has argued that the applicants are innocent and they have not committed any offence. They have no history of criminal antecedents. The weapons used in the crime are already seized and nothing remains to be seized from any of the applicants. Their custodial interrogation is already over. Their further detention is not required. The learned counsel further stated that the complainant had harassed one of the female members of their family and a compromise deed was also executed between them. Despite, he continued the act. The relations are already strained between the parties. Considering all these grounds, he prayed for release of applicants on bail.

4. The investigating officer appeared and filed his reply vide Exh.5 and strongly opposed the application on the ground that the offence is serious in nature. The applicants have caused grievous injuries to the injured and if they are released on bail, they may tamper with the evidence. They may again commit the same type of offence. Hence, prayed for rejection of the application.

The ld. APP Smt. R.Y.Jadhav has strongly opposed the application vide her reply Exh.6 and submitted that offence is of serious nature and applicants caused grievous injury to the injured by using deadly weapon like sword and iron rod. The investigation is still going on. Hence, prayed for rejection of the bail.

5. After hearing both the sides and going through the papers,

prima facie, it appears that the complainant-injured is already discharged from the hospital. There is no specific reason in the say of investigating Officer as to why bail should not be allowed. Considering the nature of offence and as their custodial interrogation is already over, further detention is not warranted. The investigating officer, has not pointed out any antecedents of the applicants. Hence, I am inclined to release the applicants on bail. Hence, following order.

Order

1. Application is hereby allowed.

2. Applicants/ accused – 1) Roshan Kailas Dholi, 2) Sagar Dilip Dholi, 3) Nivrutti Sadashiv Dholi, 4) Kailas Sadashiv Dholi and 5) Devidas Sadashiv Dholi shall be released on **regular bail** on furnishing their P.R.bond of Rs.20,000/- each with one or more sureties in the like amount, on the following conditions.:-

They shall -

(a) not act in manner injurious to the interest of the prosecution.

(b) furnish the address of their residence, copy of Pan and Adhar card at the time of execution of bond and shall not change the residence without prior permission of this Court.

3. If the applicants/accused commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

(**Smt. S.S. Nair**)

Date : 17.03.2022.

Addl. Sessions Judge-4, Nashik.