

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

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

Criminal Bail Application No.237of 2022

CNR No.MHNS010006692022



1. **Sachin Arjun Palde**
Age : 29 years, Occ : Farmer
2. **Pravin Kashinath Porje**
Age : 26 years, Occ : Labour
3. **Sunny Arjun Palde**
Age : 29 years, Occ : Labour

All R/o : Palde Mala, Vadner Dumala,
Rej Road, Tal. & Dist. Nashik. .. Applicants/Accused

V/S

State of Maharashtra
Through – P.I. Upnagar Police
Station (C.R. No.I-30/2022) .. Respondent/State.

Appearance : Ld. Adv. Shri. Pravin Shejwal for Applicants/Accused.
Ld. A.P.P. Shri. Sachin Gorwadkar for Respondent/State.
Shri. Sachin Chaudhari, A.P.I. (I.O.) present.

ORDER BELOW EXH. No.1
(Delivered on 02nd March, 2022)

1. This is an application filed under Section 439 of Criminal Procedure Code for grant of regular bail in C. R. No.I-30/2022 registered with the respondent Upnagar Police Station for an offence punishable under Sections 307, 326, 324, 323, 504, 506, 143, 144, 147 & 149 R/W 34 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

2. Perusal of the F.I.R. reflects that an incident occurred on 09.02.2022 at 08.30 p.m. at the place of one Kokne, where there was a Haldi programme. At the relevant time, it seems that the applicants have parked their motorcycle in front of the house of the complainant and therefore some quarrel took place and therefore the applicants and other accused persons assaulted the complainant and his wife by means of knife and iron-rod and thereby caused grievous hurt to the complainant i.e. his small finger was fracture. The matter came to be reported to the Police and the Crime came to be registered.

3. It is the case of the applicants that, they are falsely implicated in this case. They were present on the spot and the complainant assaulted them by stone and they countered it in self defence. Investigation is over. Recovery is made. Statements came to be recorded. Applicants are ready to abide by the terms and conditions. Therefore, prayed to allow the application.

4. Respondent filed their say vide Exh.5 and strongly objected by saying that the offence alleged is serious in nature. Applicants have assaulted the wife of the complainant on her head and also assaulted the complainant on his right hand small finger. The knife and iron-rod is to be recovered. Investigation is in progress. There is possibility that the applicant may pressurized and threatened the complainant and witnesses. Therefore, prayed to reject the application.

5. Heard Ld. Advocate for the applicants, Ld. A.P.P. for the State and the I.O. in person. So also gone through the police-paper of the case produced for inspection by the I.O. So also gone through the authority relied by Ld. Advocate for the applicants i.e., "Vasantrao v/s

State of Maharashtra, reported in LAWS (BOM) 2020 6 26 by the Hon'ble Bombay High Court".

6. Upon hearing and going through the material placed on record and also the authority relied by the Ld. Advocate for the applicants, what can be gathered is that quarrel took place between both the parties. It seems that the applicants have also filed compliant with the Police against the complainant and his wife and the Crime came to be registered accordingly. Thereafter, it seems that the present complaint came to be filed. However, perusal of the Police papers reflect that the Doctor has issued a certificate saying that there is a grievous injury to the complainant, which is caused by sharp weapon. The weapons i.e. knife and iron-rod are yet to be recovered. Investigation is in progress. Witnesses are relatives of the complainant as well as the applicants. Therefore, there is every possibility that, they may tampered and pressurized witnesses. Therefore, this Court finds that, this is not a fit case to grant bail to the applicants at this juncture. As far as the authority relied by the Ld. Advocate for applicants is concerned, in that authority there were no question of recovery of any weapons. In our case in hand, the weapons are yet to be recovered. Absconding accused persons are yet to be arrested. Therefore, the said authority is not applicable to our case in hand. In the result, the following order.

ORDER

Criminal Bail Application No.237/2022 stands rejected and disposed off accordingly.

Place : Nashik.
Date : 02/03/2022

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