

Order below Exh.1 in Cri. Bail Application No. 336/2022

Tushar Bharat Dawkhari .. Applicant/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
MIDC Police Station, Sinnar.
(Cr. No. 72/2022)

.. Prosecution

Order below Exh.1.

1. This application has been filed by the applicant/accused under section **439 of Cr.P.C.** for releasing him on **regular bail** in the aforesaid Crime registered at Sinnar Police Station, for the offence punishable under section 327 r/w. 34 of the Indian Penal Code.

2. According to the prosecution, the FIR was lodged by the complainant Sagar Prakash Ahire on 05.03.2022 alleging therein that the applicant along-with co-accused had assaulted him with rubber belt and string owing to failure to pay Rs.2,000/- to them. Accordingly, the he lodged report with Police Station.

Based on his report, crime was registered against him and he was arrested on 06.03.2022 and since then, he is in Judicial custody.

3. The learned counsel Mr. Y.B.Jondhale appearing for

the applicant/accused has argued that the applicant is innocent and has not committed any offence. The applicant has no criminal antecedents. There is delay in lodging the report. Nothing remains to be seized. The major part of the investigation is already over and his further detention is not required. The applicant is ready to abide each and every conditions if any, imposed by this Court. Lastly, he prayed for bail to the applicant/accused.

4. The Investigating Officer has filed his say vide Exh.5 and submitted about the apprehension of tampering of the witnesses as the complainant and accused are friends. The offence is of serious nature. Hence, prayed for rejection of the application.

The Id. APP Smt. Reshma Jadhav has strongly opposed the application stating that the offence is serious in nature. If applicant is released on bail, there is every possibility that he may tamper the witnesses and would not obey the terms and conditions. Hence, prayed for rejection of the bail.

5. After hearing both the sides and perusal of the case, it appears that custodial interrogation of the applicant is already over. The only apprehension of the police is of tampering of the witnesses by pressurizing them. Now, as far as this apprehension is concerned, it can be taken care by imposing stringent conditions. Hence, considering the nature of offence and the

prescribed punishment, I am inclined to grant bail to the applicant on following conditions.

Order

1. Application is hereby allowed.
2. Applicant/ accused – Tushar Bharat Dawkhar shall be released on **regular bail** on furnishing his P.R.bond of Rs.20,000/- with one or more sureties in the like amount.

He shall -

- (a) not act in manner injurious to the interest of the prosecution.
 - (b) maintain law and order.
 - (c) furnish the address of his 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 applicant/accused commit breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

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

Date : 21.03.2022.

Addl. Sessions Judge-4, Nashik.