

Order below Exh.1 in Cri. Bail Application No. 276/2022

Tushar Sriram Bhalerao .. Applicant/
Accused.

Vs.

The State of Maharashtra
through Police Inspector,
Harsul Police Station, Tal. Trimbakeshwar.
(Cr. No.I 408/2021) .. Prosecution

Order below Exh.1.

1. This application has been filed by the applicant/accused under section **438 of Cr.P.C.** for releasing him on **anticipatory bail** in the event of his arrest in the aforesaid Crime registered at Harsul Police Station, for the offence punishable under sections 353, 323, 427, 504, 506 of the IPC.

2. According to the case of Prosecution, the report was lodged by the complainant who is ST Driver alleging therein that on 12.09.2021 around 07.30 pm, the applicant has obstructed him while discharging his official duty. The applicant also assaulted and abused him. During the quarrel, the complainant lost his gold chain worth Rs.41,000/-. The applicant also caused damage to the ST Bus with his TATA Safari vehicle. Hence, the complainant lodged report.

Based on his report, police registered the offence and the applicant is apprehending his arrest at the hands of the police. Hence, approached this Court for protection. Accordingly, this Court has granted interim protection to applicant on 02.03.2022 till next

date.

3. The learned counsel Mr. G.L.Bodke appearing for the applicant/accused has argued that the applicant is innocent and has not committed any offence and he is falsely implicated in the present crime. The applicant is not in any way concerned with the alleged offence. The FIR lodged does not reveal the specific role of the applicant. The applicant never gone to the spot of incident. Hence, his custodial interrogation is not necessary. There is no criminal antecedents. He is ready to cooperate with the investigation and ready to abide by each and every conditions if any imposed by this Court. Hence, he prayed for grant of anticipatory bail to the applicant/accused.

4. The Investigating Officer has filed his reply at **Exh.7** and strongly opposed the application stating that the offence is serious in nature and since the registration of the offence, applicant is absconding. The applicant has tried to hamper the evidence by pressurizing the witnesses. The TATA Safari by which applicant was travelling and gave dash to ST bus, is remains to be seized. If protection is granted to applicant, it may hamper investigation.

The Ld. APP Mrs. Reshma Jadhav has submitted her arguments vide Exh.8 in line with the say filed by the investigating Officer and prayed for rejection of the application.

5. After going through the contents of FIR and arguments of both the sides, prima facie, it appears that there is no need of custodial interrogation of the applicant. It does not reflect from the

FIR that applicant is the person who obstructed the complainant while discharging his official duty. Considering the nature of the offence, I am inclined to confirm the protection granted to applicant on the same conditions.

Order

1. Application is hereby allowed.
2. Interim protection granted to applicant on 02.03.2022 is hereby confirmed subject to same conditions.

Inform concerned police station accordingly.

(Smt. S.S. Nair)

Date : 16.03.2022.

Addl. Sessions Judge-4, Nashik.