

**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION**  
**NO. 234 OF 2022**

{Vicky Vinod Wagh Vs. The State of Maharashtra through Panchavati  
Police Station}

This is an application under section 438 of the Criminal Procedure Code, 1973 for grant of anticipatory bail in crime no. 46 of 2022 registered with Panchavati Police Station under sections 323, 504, 506(2) of the I. P. C. and section 3 read with 25 of the Arms Act.

02] The applicant contended that false and fabricated case is registered against him. He is innocent and has not committed any offence. There are counter cases against each other. He is falsely implicated in the crime with previous enmity. The vague allegations are leveled against him. His custodial interrogation is not required. The crime is taken place in crowded area. He is ready to abide by any conditions imposed by the court. Hence, he has prayed for grant of anticipatory bail.

03] I. O. filed say at Ex. 06 and APP filed say at Ex. 07. They have stated that the offence is of serious nature. One illegal pistol/Katta is found from the custody of the accused. His custodial interrogation is required. One crime under section 302 is pending against him. If he is released on bail, he may threat the prosecution witnesses. Hence, they have prayed for rejection of bail.

04] Heard the learned counsel for the accused and learned APP. They have argued as per the above stand taken.

05] I have gone through application, say, arguments and Police papers. There is prima-facie offence against the accused. This is an anticipatory bail and the accused was carrying one illegal pistol with him. His custodial interrogation is required to know from where he was obtained illegal weapon. By means of that weapon, he assaulted on the head of the complainant. No doubt, there are

counter cases against each other, but, looking to the facts that the offence is of serious nature and the accused is found in possession of illegal firearm and custodial interrogation is necessary. Hence, he is not entitled for bail. Hence, the following order.

**ORDER**

Application is rejected.

Date : 21.02.2022

(R. R. Rathi)  
Additional Sessions Judge-5,  
Nashik.