

Order below Exh. 1 in, Cri. Bail Application No. 310/2022
(Vishal Anil Pagare Vs. State)

By this application, the applicant seeks pre-arrest bail under section 438 of the Cr.P.C. from being arrested in Crime No.I-57 of 2022 registered with Sarkarwada Police Station, Nashik u/ss. 452, 323,504,506 of The Indian Penal Code(IPC).

2. The learned counsel Mr.A.S. Sanap for the applicant submits that,applicant is innocent person and he has been falsely implicated.This case is counter blast to case registered against complainant, as his instance in the above police station.Applicant is ready to abide by any of the terms and conditions to be imposed by this Court.

3. Learned APP Mr. R.M. Baghdane, by filing pursis (Exh.11) adopted say filed by I.O (Exh.10) and strongly objected this application.

4. Perused record. Applicant's case is that, he is Secretary of the Society. When he demanded arrears of maintenance from the complainant, he called him at his office at 10.00 a.m. to pay the same, wherein he abused him in filthy language on his caste and threatened to kill. Hence,applicant lodged FIR against him u/s. 504,506 of the Indian Penal Code and under Schedule Case and Schedule Tribe (Prevention of Atrocity)Act,1981, due to which he lodged above false case against him as its counter blast. Prosecution's case is that, accused/applicant forcibly entered into the office of informant on pretext of maintenance. He slapped him, abused him in filthy language, threatened to brake the hand and leg of his son and to show as to how he would open his office and also threatened to implicate in false case of under Schedule Case and Schedule Tribe (Prevention of Atrocity)Act,1981.

5. This application is strongly objected by learned APP on the grounds that, serious offences may be committed , there

may be tense in the area and applicant may intimidate complainant and his witnesses. According to the applicant, he has lodged FIR against the complaint Ninad Arvind Shah as above, though, police report is silent on this point. In the circumstances, custodial interrogation is not at all required for the purpose of investigation on the above grounds. By imposing conditions, investigation can be carried out. Offences alleged are not punishable with death or life imprisonment. Thus, apprehension in the mind of applicant of being harassed, manhandled, and arrested seems to be reasonable, warranting pre-arrest protection. In the result, I pass the following order.

ORDER

1. This application stands allowed.
2. In the event of arrest in connection with the investigation of Crime No.I-57/2022 registered with Sarkarwada Police Station, Nashik u/ss.452, 323, 504, 506 of The Indian Penal Code(IPC), the applicant shall be released on executing Personal bond of Rs.25,000/- with solvent surety in the like amount.
3. Applicant shall not leave India without prior permission of the Court.
4. Applicant shall not tamper with the prosecution witnesses.
5. He shall attend the police station on each Monday for one month between 11 a.m. to 01 p.m. or as and when called by I.O. under prior written intimation.

(S.T. Tripathi)

March 10th, 2022.

Additional Sessions Judge,
Nashik.

