

Order below Exh. 1 in, Cri. Bail Application No. 334/2022
(Vishal Kailas Dusane -applicant/accused 2 Vs. State)

This is an application, for pre-arrest bail u/s. 438 of the Cr.P.C. in Crime No.I-209 of 2021 registered with Gangapur Police Station, Nashik u/ss. 392, 411 of The Indian Penal Code(IPC).

2. The learned counsel Mr.S.P. Wadje for the applicant submits that, applicant is innocent person and he has been falsely implicated. Applicant is ready to abide by any of the terms and conditions to be imposed by this Court and he is permanent resident of Nashik.

3. Learned A.P.P. Mr. R.M. Baghdane, by filing pursis (Exh.8) adopted say filed by I.O (Exh.7) and strongly objected this application. I.O. present alongwith case dairy.

4. Perused record. Prosecution case is that, on 08.11.2021 while informant was proceeding on her Jupiter moped cycle, one person came on motorcycle from behind and snatched her Mangalsutra and fled away. Informant found that Mangalsutra had fallen on the ground but two bowls and two purls of 5 Grams gold was taken away by the accused. Hence, she lodged FIR, wherein one of the accused 1 Saiyeed Aasmohomanmad Saiyyad @ Chotya made disclosure statement before police that he has sold out the same to the present applicant/accused 2.

5. Learned Advocate for the applicant submits that, accused 1 Saiyeed Aasmohomanmad Saiyyad @ Chotya has already been released on bail who was arrested on 23.12.2021. Applicant/accused 2 has no previous criminal antecedents. Though, learned APP submits that, offence is serious in nature and property is yet to be recovered, however this offence is triable by learned J.M.F.C. The incident has occurred on 08.11.2021 and prime accused has released on bail. In the given facts and circumstance of the case, custodial interrogation is not necessary. Accused has no previous criminal antecedents. He has got fixed and permanent place of residence. Offences alleged are not punishable with death or life imprisonment. By imposing conditions investigation can be carried out. Thus, apprehension in

the mind of applicant of being harassed, man handled, 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 of applicant Vishal Kailas Dusane, in in Crime No.209 of 2021 registered with Gangapur Police Station, Nashik u/ss. 392,411 of The Indian Penal Code (IPC), the Police Inspector of the concerned police station shall release the applicant on his executing P.R. & S.B. of Rs.30,000/- with solvent surety for 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)

Additional Sessions Judge-7,
Nashik.

Date: 25.03. 2022.