

**Order below Exh.1**  
**in Cri. Bail Application No.255/2022.**  
( Dnyaneshwar Uttam Bodake and other Vs State)

The presnet bail application is moved by the applicants-accused No. 1) Dnyaneshwar Uttam Bodake, 2) Ganpat Kisan Boadke, 3) Popat Dattatray Sangle, 4) Dipak Daulat Bodake, 5) Prabhakar Nandu Sangle, 6) Ramnath Kisan Bodke, 7) Akshay Ramnath Bodake, 8) Tushar Vitthal Bodake, 9) Samadhan Tukaram Bodake, 10) Samadhan Vitthal Bodake @ Savji and 11) Uttam Gopinath Bodake, under section 438 of the Criminal Procedure Code for grant of anticipatory bail in connection with CR No.51/2022 registered with Sinnar Police Station for the offence under section 143,147,148, 326, 323, 504,506 r.w.s.149 of the Indian Penal Code (hereinafter referred to as "IPC" for short), in the event of arrest in connection with above referred crime.

2. It is alleged in the application that, there is land dispute in between the applicants-accused and the first informant particularly the Gat No.547 (New Gat No.404) admeasuring 5 H 2 R, situated at mauje Jamgaon, Tal. Sinnar, Dist. Nashik. The applicants have been falsely implicated in present crime. The alleged incident took place on 5.2.2022, however, FIR came to be lodged on 12.2.2022. There is inordinate delay. The applicants-accused are local residents. Their antecedents are clean and they will ready to abide the conditions laid down by this court, hence prayed for anticipatory bail.

3. I.O. submitted his report. In his report, I.O. submitted that the first informant has sustained grievous injury. The weapons used in the crime is to be seized. The JCB Machine was on the spot is to be seized, these and other grounds set out in the report, I.O. has opposed

the bail application.

4. Heard, both the parties. Perused the record.

5. On perusal of the record, it appears that though the FIR registered on 12.2.2022, however, on the day of incident i.e. on 5.2.2022, the first informant and other witnesses had approached to the Sinnar Police Station. Police referred them to the Sinnar Municipal Hospital and one of the witness Bapu Sopan Boadke was seriously injured, therefore, he was referred to Civil Hospital, Nashik and after taking medical treatment, the FIR came to be registered on 12.2.2022. The record further shows that there is counter FIR bearing No. 64/2022 registered on 18.2.2022 arising out of the same incident for the offence punishable under section 354, 323, 143, 147,148, 504,506 r.w.s. 149 of IPC. Thus, it appears that, there is free fight between the parties. Persons from both the side are injured. The weapons used in the crime are to be seized. Considering the seriousness of the case and the requirement of the investigation, the presence of accused for custodial interrogation are necessary. Hence, the present anticipatory bail application is devoid of merit. Hence, following order is passed.

**ORDER**

- 1) Anticipatory Bail Application No.255/2022 is hereby rejected.
- 2) Inform the concerned police station accordingly.

Date-05.03.2022

( M. A. Shinde )  
Additional Sessions Judge-8,  
Nashik.