

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, NASHIK,
AT – NASHIK.

(Presided over by Mr. M. H. Shaikh)

Criminal Bail Application No.219 of 2022

CNR NO.MHNS010006262022



1. Sagar Kisan Kokane

Age : 37 years, Occ.: Business

2. Prashant Nanasaheb Jadhav

Age : 32 years, Occ.: Business

Both R/o : Chehedi Pumping,
Nashik-Road, Tal. & Dist. Nashik. ... Applicants.

V/S

State of Maharashtra
Through : P.I., Nashik Road Police
Station, Nashik. (C.R. No.38/2022) ... Respondent/State.

Appearance : Ld. Advocate Shri. Gokul T. Kute for Applicants.
Ld. A.P.P. Shri. Sachin Gorwadkar for Respondent/State.

ORDER BELOW EXH. No.1
(Delivered on 23rd February, 2022)

1. This is an application filed under Section 438 of Criminal Procedure Code for grant of pre-arrest bail in C.R. No.38/2022 registered with the respondent Nashik Road Police Station for an offence punishable under Sections 452, 504, 506 & 427 r/w 34 of the Indian Penal Code and Section 4/25 of Arms Act.

2. It is the case of the prosecution that, on 05.02.2022 at night time, the applicants alongwith other two accused persons armed with

weapons allegedly broke the entrance door of the house of the complainant and thereby damaged the house articles of the complainant. Therefore Crime came to be registered.

3. It is the case of the applicants that, they are innocent, previous enmity between the parties and falsely implicated in this case. Offences are triable by J.M.F.C. The other two accused persons came to be arrested and enlarged on bail. Muddemal is seized. Therefore, prayed to allow the application on any terms and conditions.

4. Respondent filed their say vide Exh.7 and strongly objected by saying that the offence is serious in nature. There are criminal antecedents against the applicants. Applicants may pressurize the complainant and the witnesses. Therefore, prayed to turned down the application.

5. Heard Ld. Advocate for applicants and Ld. A.P.P. for State.

6. Upon hearing and going through the material placed on record, what can be gathered is that, because of previous enmity it seems that the alleged incident had taken place, wherein the applicants knocked the door of complainant's house and entered forcibly by breaking the door and damaged the articles. However, in the report itself, it is stated that they only threatened and not assaulted the complainant or his mother, who were present in the house. Muddemal is already seized from the arrested accused persons. It is not the case of the respondent that, custody of applicants is necessary to recover the muddemal or making any discovery. They want to interrogate the applicants as to the intention behind the Crime. Therefore, this Court finds that by imposing certain conditions that can be taken care. Criminal antecedents can not be a

ground to reject the bail. Therefore, this Court hold's that the application succeeds. Hence, the order.

ORDER

1. Criminal Bail Application No.219 of 2022 is allowed.
2. In the event of arrest, applicant No.1 Sagar Kisan Kokane and No.2 Prashant Nanasaheb Jadhav be released on bail in connection with C.R. No.38 of 2022 registered with respondent Nashik Road Police Station, on their executing a personal bond of Rs.15,000/- each with one solvent surety in like amount to the satisfaction of the I.O.
3. Applicants to remain present before the I.O. at the respondent Police Station on every Monday between 11.00 a.m. to 01.00 p.m. and co-operate the I.O. in the investigation till the filing of the Charge-sheet.
4. Applicants not to threaten and pressurize the complainant and witnesses and not to commit similar offence in future.
5. Office to inform this order to the respondent Police Station.
6. In the above terms, Criminal Bail Application No.219/2022 stands disposed off accordingly.

Place : Nashik

Date : 23/02/2022

(M. H. Shaikh)

Additional Sessions Judge, Nashik.