

MHBU040013322022



Order below Exh.1
(Passed on 17.11. 2022)

1. Perused application and say filed by prosecution vide Exh.6. Heard learned Adv. Mr. S.D.Gawai, for applicant/accused and learned APP Ms. R.D.Bawaskar, for prosecution. Gone through the case diary and papers on record.

2. It is submitted on behalf of the applicant/accused that one Kalpana Sharad Gawai gave report with police station Khamgaon City against the applicant/accused and others, on the basis of which Crime No.536/2022 is registered for the offence punishable u/s 354, 452, 324, 504, 506 r/w sec.34 of IPC. It is submitted on behalf of the applicant/accused that the applicant/accused is falsely implicated in the present crime. He is not connected with the alleged offence. It is further submitted that the applicant/accused is permanent resident of Warkhed Kd. Tq. Shegaon, Dist. Buldana and is law abiding person and good reputation in the society at large. There is no criminal antecedents against applicant. No incident as alleged took place. On the contrary crime registered against the husband and brother of informant and others, hence to the counter blast present crime registered against the applicant and others. He has apprehension in

the mind that he would be arrested any time in the present crime, on the false report lodged by the informant. The applicant/accused is ready to abide by all the terms and conditions of bail. The applicant/accused is ready to co-operate in the investigation. Therefore, prayed for enlarging him on bail.

3. It is submitted on behalf of the prosecution vide Exh.6 that the weapon used in the offence yet to be seized and if the applicant/accused is released on bail, then he would commit similar kind of offences. Hence considering the facts and circumstances, the application be rejected.

4. Perused the record and papers on record. It is seen that counter cases are filed between the parties and there are dispute going on between the parties. It is required to mention here that the interim protection was given to the applicant/accused as per order passed below Exh.4 vide order dated 2.11.2022, no breach of the above order is reported. Hence in view of the above facts and circumstances, I hold that applicant/accused had made out a case for grant of pre arrest bail. The interim protection granted to the applicant/accused requires to be confirmed and the bail granted continued till conclusion of the trial. In result, I pass the following order :-

Order

- 1] Application Exh.1 is allowed.
- 2] The interim protection granted to the applicant/accused vide order dated 2.11.2022 passed below Exh.4 is hereby confirmed and made absolute till conclusion of the trial.
- 3] Inform concerned police station accordingly.

Date :17.11.2022

(A.S.Wairagade)
Addl. Sessions Judge, Khamgaon,
Dist. Buldana.

Certificate

I certify that this order PDF uploaded is a true and correct copy of original signed order.

Name of Steno : Mrs. Nishat Anjum Mohd. Rafique.

Name of Court : Addl. Sessions Judge, Khamgaon.