



ORDER BELOW EXH. 1 IN CRIMINAL BAIL APPLICATION
NO. 1269/2022
[CNR NO. MHPU14-003675-2022]

Sagar Laxman Salgar
V/s.
State of Maharashtra

1. This is an application for anticipatory bail u/s. 438 of Cr.P.C. in CR No. 809/2022 of Indapur P. St., for the o/p/u/s. 307, 354, 427, 504, 506, 34 of the Indian Penal Code.

2. Ld. Adv. Shri. Sachin Wagh for the applicant/accused has submitted that the applicant is innocent, he has not committed any offence and he is falsely implicated in the present crime. There is no direct, indirect or circumstantial evidence to connect the applicant with the alleged offence. Further, prima facie the provisions of Sec. 307 of IPC are not invoked as none of the witnesses have sustained life threatening injuries. Besides, there is no question of any recovery or discovery at the instance of applicant and therefore, there is no need of his custodial interrogation. Moreover, co-accused has been released on bail and thus, there exists parity. According to him, applicant is permanent resident of Khorochi, Salgarvasti, Tal. Indapur, Dist. Pune. He has no criminal record and antecedents. He is ready to abide any terms and conditions imposed upon him and co-operate the police machinery. He will not abscond nor misuse the liberty of bail. On these grounds he prayed that the relief of pre-arrest bail be granted in favour of the applicant.

3. Investigating Officer and Ld. A.P.P. Shri. Navale have strongly opposed the application vide say at Exh. 5 since contending that the applicant is involved in crime. On the day of incident applicant/accused gave dash to the parked motorcycles by driving his Alto car in speedy manner and caused damage to it. Further, with an intention to kill the complainant's mother-in-law accused drove the four wheeler on her person due to which she sustained injuries. Also, complainant's husband received dash of the four wheeler and was injured. It is specifically submitted that accused got down from the car and tried to assault the complainant's mother-in-law by means of sickle. Also, he beat the complainant's husband by kick and fist blows and with an intention to outrage the modesty of complainant pressed her breast. According to them, the offences are serious in nature and investigation is still continued. For full and fair investigation custodial interrogation of the applicant is necessary. He is absconding since commission of the offence. If he is released on bail there is every possibility of putting the pressure on the complainant and witnesses and there will be hurdle in the investigation. Thus, they prayed to reject the application.

4. FIR, is lodged by the complainant alleging that, accused is her cousin brother-in-law. Her husband Dattatraya was working with him as driver, however prior to nine months of the incident he has left the said job as accused had not paid his two months' salary. It is further alleged that on 03/10/2022 at about 6.00 p.m. her mother and brother came to her house and she has narrated the fact of non payment of salary to her husband by the accused. Her mother tried to give understanding to accused Reshma but she did not listen and started abusing them. Thereafter, she called her husband i.e. accused

Sagar. At about 6.15 p.m. when complainant, her husband, mother, brother and her mother-in-law were sitting in front of their house, accused came speeding with a four-wheeler with intention to kill them and rammed the motorcycle of complainant's brother which was parked in front of their house. They all moved aside but the accused drove the car on the person of her mother-in-law and hit her due to which she fell on road. Complainant's husband also received dash of the car of accused. Thereafter, accused drove the car and dashed against the house and caused damage to the door and wall. He then got down from the car and uttered that you were still alive. He then went to home and brought an axe and while on his way to kill her mother-in-law, her husband Dattatrya caught him. He then beat her husband and pressed breast. Her mother tried to rescue the quarrel at that time accused slapped her, abused her and threatened her. In the said incident they all sustained injuries. After taking treatment she lodged the present FIR on 04/10/2022.

5. After considering the rival submissions, now it is to be seen whether the applicant is entitled for pre-arrest bail. While considering the application for pre-arrest bail aspect of custodial interrogation has to be looked into. The contents of FIR lodged against the applicant will prima facie make out serious offences against the applicant. There are specific allegations of committing an offence as alleged in the FIR are made out against him. Surprisingly, though the FIR came to be registered more than one and half months back i.e. on 04/10/2022, the Investigating Officer does not appear to have made significant progress in the investigation. Also, why he has not arrested the accused remains a question. From the material placed on record there appears strong prima facie evidence against the

applicant/accused. Learned advocate for the accused submitted that the complainant has filed her affidavit on record stating that she has no complaint against the accused and she has no objection to grant him bail. At this stage it cannot be said that the allegations made in the FIR are false. In fact, filing of affidavit by the complainant itself shows that there is tampering of evidence. Considering the situation as a whole and also the prima facie serious allegations against the applicant, he cannot claim the bail as of right. In the said backdrop, gravity of offence, say of Investigating Officer and the role attributed to the present applicant, in my considered view custodial interrogation of the applicant/accused is necessary and therefore he is not entitled to the relief of pre-arrest bail. Accordingly, I pass the following order.

ORDER

1. The application is rejected.
2. Inform to concerned police station accordingly.

Date :- 17/11/2022

(K.S. Bakre)
Additional Sessions Judge
Baramati

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word for word as per original Order.

Name of Steno	:- R.L. Bhunyar (Stenographer Grade-I)
Court Name	:- K.S. Bakre Additional Sessions Judge, Baramati.
Date of Order	:- 17/11/2022
Order signed by the Presiding Officer	17/11/2022 :-
Order Uploaded on	:- 17/11/2022