

CNR No.MHBU04001326-2022

Order below Exh.4
(Passed on 31.10. 2022)

1. This is an application for grant of ad- interim pre arrest bail. Heard learned Advocate Mr. S.S. Badgular, for the applicant/accused. Gone through the papers. It appears that one Laxman Anandram Ailani gave report with police station Khamgaon City against the applicant/accused, on the basis of which Crime No.524/2022 is registered for the offence punishable u/s 452, 384, 324, 323, 294, 504, 506 of IPC. It is submitted on behalf of the applicant/accused that applicant/accused is falsely implicated in the present crime. He is not connected with the alleged offence. It is further submitted that the applicant is doing business of milk and he is having cattle-shed beside the liquor shop of informant. It is alleged in the FIR that the applicant came to the shop of informant and told him that he is having complaint about the liquor shop of informant situated in weekly market and that the peoples are urinating there. If he do not have to give the complaint, then the informant have to pay Rs.5000/- to the applicant. But the informant refuse to give the same. Hence the applicant gave filthy abuses and tried to push the informant. The son of informant intervened and suffered injury to his finger of hand and his nail is cut down. Therefore the informant lodged the report. The FIR is totally baseless and imaginary. It is further submitted that the applicant went to the shop of informant and told him that due to the

liquor shop, the peoples who came there urinating beside the cattle shed of informant and so also they are doing obscene acts there therefore, the women walking from the said road are feeling embarrassing. Also the urine water is also come to the cattle shed and therefore the unhygienic condition is created. But instead of listening the same, the informant, his son and others workers of the shop of informant started beating to applicant. Due to the beating the applicant suffered head injury and admitted to Akola hospital and referred to Nagpur. The father of applicant has also filed the report against the informant bearing FIR No.526/2022. It is further submitted that he is 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. Hence prayed for grant the interim protection to the applicant/accused. Considering the above facts and circumstances, I found that there are counter cases between each other. No recovery is to be done at the behest of the applicant. The learned Advocate for applicant/accused submitted that the applicant/accused is ready to co-operate in the investigation, hence prima facie it is necessary to grant the interim protection to the applicant/accused till filing of the say by the prosecution. In result, I pass following order :-

ORDER

- 1] Application Exh.4 is allowed.
- 2] In the event of arrest of the applicant namely Nikhil Sunil Sharma, in the Crime No.524/2022 registered with Police Station Khamgaon City on the complaint lodged by informant Laxman Anandram Ailani, for the offence punishable u/s 452, 384, 324, 323, 294, 504, 506 of IPC against the applicant, he be released on ad-interim pre arrest bail on his executing PR bond of Rs.25,000/- (Rs.Twenty Five Thousand only) with solvent surety/sureties in the like amount on conditions that :-
- [i] The applicant/accused shall remain present on every Monday and Friday between 11.00 a.m. to 2.00 p.m. at the concerned police station and shall co-operate the I.O. in investigation and thereafter, he shall make himself available for interrogation as and when asked by the I.O. until further orders.
- [ii] The applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade the witness from disclosing such facts to the Court or to any Police Officer.
- [iii] Issue notice to the concerned police station. Returnable on 7.11.2022 to show cause as to why the anticipatory bail should not be confirmed to the applicant.
- [3] Inform concern police station accordingly.

Date : 31.10.2022

(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.