

1. Santosh Chandrakant Jawale + 4 Vs. State

: Order below Exh. 01:
(Dated 19th November 2022)

Applicants/accused Nos.1 to 5 have taken out an application U/s.438 of Cr.P.C.,wherein they claimed to have reasonable apprehension of their arrest in connection with Crime No. 604/2022, registered with Yavat Police Station, for the offences punishable U/Ss. 143, 147, 289, 323, 324, 327, 504 and 506 of the IPC.

02 FIR dated 27.07.2022 discloses that, on 27.07.2022 at 08.00 a.m.,informant was proceeding towards field on motorcycle. When he reached in front of the house of accused Santosh Jawale, then said accused released dog, who bitten the informant, therefore, informant fell on the ground. Accused Nos.1 to 5 came there and threatened him. That, for many times, we told you, not to go from this road, road is not of your father. Accused Jaikumar Jawale gave blow of iron pipe on finger of right hand and accused Santosh Jawale gave blow of stick on right hand of informant. When informant stood up and going towards his house by motorcycle, at that time, accused Santosh Jawale snatched gold chain from the neck of the informant and threatened to kill him. Informant lodged FIR of the said incident. Based on which, Crime No.604/2022 came to be registered with Yavat Police Station, for the offences punishable U/Ss. 143, 147, 289, 323, 324, 327, 504 and 506 of the IPC against the applicants/accused.

03 Heard Ld. Advocate for the applicants/accused and Ld. APP for the State. Read the application and say filed on it. Perused the police papers, documents filed on record and written notes of argument.

04 Ld. Advocate for the applicants/accused submitted that, applicants/accused are falsely implicated in the present crime. That, accused have lodged crime against the informant, and, therefore, to give counter blow, present false case is registered against them. That, custodial interrogation of the applicants accused does not warranted. That, the applicants have no criminal antecedents and they are ready to cooperate in the investigation. With these amongst other submission, he prayed to allow the application.

05 On the contrary, Ld. A.P.P. submitted that, offence alleged is very serious in nature. There are specific allegations against the accused that weapon used and gold chain snatched are yet to be recovered for which, custodial interrogation of the applicants accused is necessary. That, accused have criminal antecedents as crime is already registered against them. With these amongst other submissions, he prayed to reject the application.

06 I have gone through the submission of both the parties and documents on record. Here it is pertinent to note that, perusal of record shows that, the accused No. 2 Rohini Santosh Jawale has lodged FIR dated 27.07.2022 at 13.59 p.m. against the present informant and others in respect of alleged incident dated 27.07.2022 occurred at 06.30 a.m. That, FIR in the present case is lodged by the informant Chaitanya Shankar Shelar against the applicants accused on 27.07.2022 at 23.44 p.m. in respect of alleged incident dated 27.07.2022 occurred at 08.00 p.m. These facts would show that, after the lodging of FIR by one of the

applicants accused, the present informant lodged the FIR against the present accused in respect of incident which occurred in the morning.

07 More so, allegations in the FIR would show that, the accused released dog on the person of informant, who bitten him. Thereafter, accused Nos. 5 and 2 assaulted informant by means of iron rod and stick. But there is nothing on record in the police papers that informant sustained any major injuries. In the backdrop of above facts and circumstances, specifically fact of cross cases that too after filing of crime by the present accused against the informant, there appears no strong prim facie case. More so, though Investigating Officer sought custodial interrogation for recovery of gold chain and weapon, but in view of above facts and circumstances, the purpose of investigation would suffice if accused are directed to remain present for interrogation. More so, there is offence pending against accused, but again in the backdrop of above facts, same would not come in the way to grant anticipatory bail. The accused are permanent residents of Daund, therefore, their presence seems to be secured for trial. Hence, accused are entitled for anticipatory bail and accordingly, I proceed to pass following order:-

ORDER

1. Application (Exh.01) is allowed.
2. In the event of arrest of applicants/accused namely **Santosh Chandrakant Jawale, Rohini Santosh Jawale, Ganesh Santosh Jawale, Ashok Jawale and Jaikumar Ashok Jawale** all R/o- Mouje Pimpalgaon, Tal. Daund, Pune, be released on bail in **Crime No. 604/2022**, registered with

Yavat Police Station, for the offences punishable U/Ss.

143, 147, 289, 323, 324, 327, 504 and 506 of the IPC.

on their furnishing P.B. of **Rs.15,000/- each** with one or two sureties in the likewise amount, to the satisfaction of the concerned investigation officer or Court, and on following conditions:-

- (a) Applicant/accused **Nos. 1 and 5** only shall attend the concerned Police Station on **22.11.2022 at 10.00 am to 01.00 p.m.** for interrogation by concerned police officer.
- (b) They shall make themselves available for interrogation by police Officer as and when required under written intimation to them.
- (c) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.
- (d) They shall not leave India without prior permission of this court.
- (e) They shall not tamper the prosecution evidence.
- (f) They shall not threat the prosecution witnesses and victim.
- (g) They shall furnish their address and contact numbers.
- (g) They shall not commit any offence.

3. Inform the concerned police station accordingly.

Date :19.11.2022

(J.A.Shaikh)
Additional Sessions Judge,
Baramati.

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

Name of Steno.	:-	S.P. Chabukswar
Court Name	:-	J.A. Shaikh
		Additional Sessions Judge, Baramati
Date	:-	19.11.2022
order signed by P.O. on	:-	19.11.2022
order uploaded on	:-	21.11.2022