

IN THE COURT OF ADDL.SESIONS JUDGE AT BHOKAR
DISTRICT NANDED.

MHND110006352022



Criminal Bail Application No.135/2022
Nikhil Versus The State of
Maharashtra
Crime No. 464/2022, P.S.Bhokar.
Offence pun.u/s 353,504, 506 of IPC

ORDER BELOW EXH.01

01] This is an application under section 439 of Code of Criminal Procedure by accused namely Nikhil Milind Hankare for releasing him on bail.

02] The investigation officer has opposed the application by filing his reply Exh.04 on the following grounds:-

- a] Crime nos. 109/2022, offence pun. u/s 392, 504,506 r/w S. 34 of IPC and crime no. 188 r/w S. 34 and 134 of Mumbai Police Act are pending in the police station, Bhokar against the present accused.
- b] The accused threatened the Police Inspector and created ruckus in the police station and if the accused is released on bail there is possibility to increase such illegal activity.
- c] The investigation is in progress.

03] Heard Ld. Counsel Shri M.P.Pedde for the accused and Ld.APP Smt. S.A.Patil for the State. Perused the case diary. The FIR discloses that on 27-11-2022 at night around 23.30 hours accused went to the police-station under influence of liquor with motorcycle bearing no. MH-46-Y-5507 and started shouting loudly and throwing plastic chairs and asked the informant, who is Police-inspector, as to why crime was registered against him and threatened the informant that he would approach High Court and lodge complaint against the informant. When the informant asked him to give his say in writing, the accused picked up 'Duty allotment register' and 'Bandobast scheme' and thrown it and started threatening the informant and his subordinate police personnel. The informant took the accused in custody with the help of his subordinate police personnel and lodged complaint against him for the offence punishable under section 353, 504 and 506 of IPC.

04] The accused was produced before the learned Magistrate on 28-11-2022 and has been remanded to Judicial custody till 12-12-2022. The accused applied for bail before the learned Magistrate but the learned Magistrate rejected the said application by observing that the offence is exclusively triable by the Court of Sessions. Therefore, the accused approached this court for grant of bail.

05] It is well settled that while considering the grant or refusal of bail the gravity of offence and severity of punishment needs to be looked into. In the case in hand, the offence under section 353 of IPC provides punishment upto five years of imprisonment. It appears that almost the investigation is over and nothing is to be recovered from the accused. No purpose would be served by keeping the accused behind bars. So far as

the apprehension of the investigation officer is concerned, I would like to point out that the same can be taken care of by imposing certain conditions upon accused while releasing him on bail. I therefore, proceed to pass following order:-

ORDER

- 01- Application Exh.01 is allowed.
- 02- Accused namely Nikhil Milind Hankare be released on execution of P.R bond of Rs.15,000/-[Rs. Fifteen Thousand only] and on furnishing surety in like amount on following conditions :-
 - a. That accused shall not commit similar type of offence.
 - b. That accused 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 investigation officer or tamper with the evidence.
 - c- That accused shall remain present before investigation officer at concerned police station between 11.00 a.m to 1.00 p.m on every Monday till filing of charge-sheet.
- 03- Bail before Ld. Judicial Magistrate F.C.,Bhokar.

Date :06-12-2022

(R.D.Gadwe)
Addl. Sessions Judge, Bhokar.

4 Order below Exh.01 in Criminal Bail Appln. No. 135/2022

CERTIFICATE

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

Name of the Stenographer : P.S.Malve, Steno Grade-1

Court Name : Adhoc District Judge-1 & ASJ Bhokar

Date : 06-12-2022

Order signed by the

Presiding Officer on : 06-12-2022

Order uploaded on : 07-12-2022

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5 Order below Exh.01 in Criminal Bail Appln. No. 135/2022