



ORDER BELOW EXH. 1 IN CRI. B.A. NO. 1204/2022
(CNR : MHPU14-003513-2022)

Anil Bhagwat Ubale
V/s
State of Maharashtra

1. This is an application moved by the applicant/accused for granting him anticipatory bail in CR No. 423/2022 of Walchandnagar P. St., for the o/p/u/s. 327, 323, 504, 506 of the Indian Penal Code.
2. Ld. Adv. Shri. R.R. Ubale for the applicant/accused has submitted that the applicant is innocent, he has not committed any offence as alleged in the FIR and he is falsely implicated in the said crime. Further, there is no direct, indirect or circumstantial evidence against the applicant. In fact, on the day of incident altercation took place between the complainant and applicant and he has filed complaint upon which C.R. No. 422/2022 has been registered against the complainant. To give go by to the said crime complainant has lodged present false and fabricated FIR against the applicant. Besides, there is one day delay in lodging the FIR which is not explained by the complainant. Moreover, substantial investigation has been completed, nothing is to be recovered at the instance of applicant and therefore there is no need of his custodial interrogation. According to him, applicant is permanent resident

of Walchandnagar, 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. Hence, it is prayed that liberty of applicant may be protected.

3. The Investigating Officer and Ld. A.P.P. Shri. Navale have resisted the application since contending that the offence is serious one, cash amount of Rs. 8750/- and gold chain are yet to be recovered and investigation is in progress. According to them, for full and fair investigation custodial interrogation of the accused is necessary. If he is released on bail he may pressurize the complainant and witnesses and there will be hurdle in the investigation. Thus, they prayed for rejection of application.

4. Report in question has been lodged by the complainant alleging that, on 21/09/2022 at about 6.00 p.m. he was sitting at the counter of his hotel. At that time accused came in the hotel and placed order of non-veg food. He asked him to wait for some time. While receiving the food parcel, he asked him to pay Rs. 130/-. He refused to pay and started threatening him. He tried to convince him to make payment but he did not pay the amount and on the contrary took away cash of Rs. 8750/- from his cash counter. He tried to obstruct him at that time accused snatched gold chain from his neck and gave him threat of life. Due to the said incident he was mentally disturbed hence, on the next day he lodged the FIR.

5. Admittedly, in respect of the alleged incident cross-complaints are pending between the complainant and accused. The said fact cannot be overlooked. Considering the facts and circumstances, nature of offence, nature of allegations, delay in lodging the FIR and the say of I.O., I am of the opinion that prima facie no case of custodial interrogation is made out against the applicant and thus he is entitled to pre-arrest bail. Accordingly, I pass following order.

ORDER

1. The application is hereby allowed.
2. In the event of arrest of applicant/accused Anil Bhagwat Ubale in CR No. 423/2022 of Walchandnagar P. St., for the o/p/u/s. 327, 323, 504, 506 of the Indian Penal Code, he be released on executing P.R. bond of Rs. 15,000/- with one or two solvent sureties in the like amount.
3. The applicant shall mark his presence in concerned police station on every Wednesday from 11.00 a.m. to 1.00 p.m. till filing of the charge-sheet.
4. The applicant shall not tamper with the prosecution evidence, in any manner.
5. The applicant shall not indulge in similar offence while on bail.
6. Inform concerned police station accordingly.

Date:- 21/10/2022

(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. Bakare Additional Sessions Judge, Baramati.
Date of Order	:- 21/10/2022
Order signed by the Presiding Officer	21/10/2022 :-
Order Uploaded on	:- 21/10/2022