

WITH

INTERIM APPLICATION NO. 4189 OF 2022

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Mr. Mahendra Sandhyanshiv for the Applicants.
Mr. P.H. Gaikwad Patil, APP for the State.
Mr. Hitesh Shah for the Intervenor.
API Ravindra Jadhav, Chandwad Police Station, present.

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CORAM : N.R. BORKAR, J.

DATED : 13 JANUARY 2023

P.C. :-

This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No. 360 of 2022 registered at Chandwad Police Station, Nashik for the offences punishable under Sections 143, 147, 148, 149, 327, 354, 324, 323, 504, 506 r/w. 34 of Indian Penal Code.

3. I have heard the learned Counsel for the applicants, the learned APP for the State and the learned Counsel for the intervenor.

4. On 17 November 2022, this Court passed the following order:

“1. Apprehending arrest in connection with Crime No.360/2022 registered at Chandwad Police Station for the offences punishable under Sections 143, 147, 148, 327, 354, 324,323, 504 and 506 of the Indian Penal Code, applicants are seeking pre-arrest bail.

2. Heard Mr. Sandhyanshiv, learned Counsel for the applicant and Mr. Patil, APP for State.

3. At the outset, Mr. Patil seeks time for taking instructions.

4. It is apparent from the complaint, the dispute over the right of way through the field of the complainant resulted into complaint and cross-complaint. It appears, Crime No.359/2022 was registered against the complainant herein under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act and Indian Penal Code. After which the crime in question came to be registered against the applicant. Therefore, prima-facie, the subject crime came to be registered to counter the Crime No. 359/2022. That even otherwise, there are no accusations as against the applicants of outraging modesty of the complainant. In view thereof, case is made out for granting interim pre-arrest protection.

5. Hence, the following order :

ORDER

(i) In the event of arrest of the applicants- Santosh Sukdeo Elinje and Anil Sukdeo Elinje, in Crime No.360/2022 registered at Chandwad Police Station, District-Nashik, they shall be released on bail on executing P.R.Bond in the sum of Rs. 20,000/- (Rs. Twenty Thousand only) each with one or more local sureties in the like amount;

(ii) Applicants shall report to the Investigating Officer of the concerned Police Station on 24th, 30th November, 2022 and 1st December, 2022 between 11:00 a.m. to 1:00 p.m.

(iii) Applicants shall not tamper with the evidence or

attempt to influence or contact the complainant, witnesses or any person concerned with the case;

6. Stand over to 13th December, 2022 for further consideration.”

5. The allegations of assault and outraging the modesty of the complainant are against the co-accused and not against the present applicants. Apart from it, there is a cross FIR. It appears that the applicants are involved in one more crime, however, considering the overall facts and circumstances of the case, I am inclined to grant anticipatory bail to the present applicants. In the result, the following order is passed :

- (i) The interim order dated 17 November 2022 passed by this Court is hereby confirmed.
- (ii) The applicants shall attend the concerned police station, as and when called by the Investigating Officer and shall co-operate in the investigation.
- (iii) The application is disposed of.
- (iv) In view of the disposal of the Anticipatory Bail Application, the interim application stands disposed of.

(N.R. BORKAR, J.)

KANCHAN
PRASHANT
DHURI

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