

Cri. Bail Application No.520/2026

CNR No.MHNS310013322026

ORDER BELOW EXH. 1

1. This is an application by applicant Nos.1 [REDACTED]
[REDACTED]
[REDACTED] for bail under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in Crime C.R. No. 461/2026 of Nashik-road Police Station u/s 132, 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (Hereinafter referred to as 'the BNS' for short).
2. Heard the learned counsel for the applicant, learned A.PP for the State, Investigating officer . They have argued in length, in the same line that of their contentions. Perused the record.
3. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated. It is contended that the allegations are exaggerated and that the applicant has roots in society. It is further submitted that custodial interrogation is not necessary and that the applicant is willing to cooperate with the investigation.
4. Per contra, the learned APP opposed the application and submitted that the allegations disclose the commission of serious offences punishable with severe sentences. It is contended that the investigation is at a crucial stage and

custodial interrogation of the applicant is necessary for effective investigation, recovery of incriminating articles and for ascertaining the role of other accused persons. It is also submitted that there is a likelihood of the applicant influencing witnesses and tampering with evidence if protected by anticipatory bail. custodial interrogation is necessary to go to the root of the case.

5. The principles governing grant of anticipatory bail are well settled. The Court is required to consider the nature and gravity of accusation, the exact role attributed to the accused, the necessity of custodial interrogation, the possibility of fleeing from justice, and the likelihood of tampering with evidence or influencing witnesses. Anticipatory bail is an extraordinary remedy and is not to be granted as a matter of routine.
6. As per FIR, on 04.09.2024, in the Court of the Family Court Nashik, regarding Daily Proceedings Roznama in Criminal Miscellaneous Application No. 528/2023, dated 04.09.2024, between [REDACTED] the matter was placed for hearing. The opposing party, [REDACTED] i, along with her sister and mother, was present. At that time, the presiding officer of the Family Court, Smt. [REDACTED] was conducting court proceedings on the dais, and proceedings of another case were ongoing before her. At that moment, applicant [REDACTED] along with her accompanying sister [REDACTED] [REDACTED] and mother [REDACTED]

██████████, suddenly created a ruckus by shouting loudly, saying, "We do not want this date, change the date right now, right now!" At that time, Presiding Officer Smt. Pandhare Madam told her, "What do you have to say? Give it in writing, will pass the order accordingly. Those women shouted loudly at the judge, saying, "Change the date right now!" and created a huge uproar inside the courtroom. The judicial officer, judicial staff present (namely Shri Kumbhar and Smt. Jadhav), and advocates present tried to maintain peace. However, ██████████ her sister ██████████ and mother ██████████ were not in any mood to listen to anything. Thereafter, due to the commotion created by ██████████ along with her accompanying mother and sister, court proceedings were obstructed, causing the Presiding Officer Smt. Pandhare to leave and retire to her private chamber. Consequently, court proceedings came to a halt. After the Presiding Officer retired to her private chamber, Gautami and her accompanying sister ██████████ and mother ██████████ ran after the Judge. At that time, informant along with junior clerk Smt. M. A. Jadhav and police constable Eknath Chor, tried to explain and pacify them. Despite this, they shouted loudly, demanding, "Call the Presiding Officer back to the dais right now, we will not leave this place until you do!" Furthermore, they alleged that both the Judge and the advocates take bribes and are acting unfairly towards ██████████ At that time, ██████████ and her accompanying sister ██████████ started banging heavily with their hands on the door of the

private chamber. Moreover, [REDACTED] sister, [REDACTED] [REDACTED], rushed towards Smt. Pandhare's private chamber with the intent to assault her from behind. At that moment, Adv. Nita Pawar, Adv. S. P. Tajanpure, and junior clerk M. A. Jadhav physically stopped and restrained her. When other advocates present in the court including Adv. S. S. Patil, Adv. Nita Pawar, Jitendra Shinde, Adv. Dipali Ahire, Adv. S. P. Tajanpure, Adv. Z. N. Pawar, Adv. Ashlesha Palaspagar, and Adv. Pornima Pagare, tried to pacify them, [REDACTED] and the women accompanying her argued with Adv. Nita Pawar, Adv. Pranil Gaikwad, and Adv. S. P. Tajanpure, abused the advocates, and shouted, "All you fucking lawyers!" In this manner, [REDACTED] her sister [REDACTED] and her mother [REDACTED] alias Sandhya repeatedly created intentional obstacles in official government duty. Accordingly, FIR was lodged for the offences punishable under aforesaid Sections

7. The material placed on record prima-facie reveals specific allegations against the applicant. The investigation papers indicate active involvement of the applicant in the commission of the alleged offence. The accusations are serious in nature and pertain to offences exclusively triable by the Court of Sessions. At this stage, the material collected by the Investigating Officer cannot be said to be inherently improbable or wholly unreliable. The investigation is still in progress. The prosecution has specifically pointed out the necessity of custodial interrogation

of the applicant for effective investigation. Having regard to the nature of allegations and the stage of investigation, this Court is of the opinion that custodial interrogation would be necessary for eliciting relevant information and for carrying the investigation to its logical conclusion.

8. The Hon'ble Supreme Court in [REDACTED] [REDACTED] has held that while exercising jurisdiction relating to anticipatory bail, the Court must consider the facts and circumstances of each case and balance individual liberty with the interest of a fair investigation. Similarly, in [REDACTED] [REDACTED] it has been held that anticipatory bail is an extraordinary privilege and should not be granted where serious allegations requiring thorough investigation are made. In State represented by the CBI v. Anil Sharma, the Hon'ble Supreme Court observed that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect protected by a pre-arrest bail order.
9. On perusal of FIR, the role of the present applicant is attributed along with co-accused is reflected from material on record. In this premises the custodial interrogation is necessary to go to the root of the investigation, the custody of the applicant is necessary to get the information and to verify and confront including the applicant, co-accused and any other person involved.

10. Needless to say that grant of anticipatory bail to some extent,

would cause interference in the sphere of investigation of an offence. Anticipatory bail is not to be granted as a matter of rule and has to be granted only when there are convincing, exceptional circumstances exist to resort that extraordinary remedy. Prima-facie the involvement of present applicants is revealed during the investigation. The application is devoid of merit. Hence, following order is passed.

11. Considering the gravity of the offence, the nature of accusations, the material collected during investigation, and the necessity of custodial interrogation, this Court does not find it to be a fit case for exercising the extraordinary discretionary relief of anticipatory bail.

ORDER

The application is hereby rejected

[REDACTED]

Date : 28/10/2026

Place: Nashik-road

Addl. Sessions Judge, Nashik-road