

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No. 252 of 2015

Kisan s/o Yashwant Jorwekar
And Another.

.. Applicants.

Versus

The State of Maharashtra
And Another.

.. Respondents.

Shri. P.R. Patil, Advocate, for applicant.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for
respondents.

Shri. R.M. Bhokarikar, Advocate, to assist the APP.

CORAM: T.V. NALAWADE, J.

DATE : 23rd FEBRUARY 2015

ORDER:

1) The application is filed for the relief of anticipatory bail. Both the sides are heard. This Court has perused the papers of investigation.

2) Crime is registered on the basis of report given by one Sheshrao Patil. According to him, there was previous enmity between him and the applicant No.1. According to him, in the incident dated 22-12-2014 when

he was present at railway gate of Chalisgaon the present applicant No.1 and his friend, other accused, came there and the applicant No.1 picked up quarrel. According him he was saying that even if High Court had made some orders against him, nothing will happen as he was capable to tackle such matters. According to him, the applicant No.1 held the collar of his shirt, slapped him and he snatched gold chain weighing 20 gram worth Rs.45,000/- from his neck and took it away. According to him, in the incident his mobile handset was damaged. According to him, when the applicant No.1 was trying to assault him with a dangerous weapon one person named Dipak Patil rushed to him and then he some how escaped. According to him, he had filed proceeding in the High Court for taking action against the applicant as he was unnecessarily publishing false news items to defame him. The applicant No.1 had also filed one proceeding and direction was given by this Court to take appropriate action and that direction was given in the proceeding filed by the present applicant No.1. The complainant was proceeding to the police station with envelope containing the order of the High Court and the incident took place at

that time. Learned counsel for the applicant No.1 submitted that the order of the High Court is stayed by the Apex Court.

3) This Court had granted interim protection to the present applicant No.1 as there was marriage of his daughter. Learned counsel for the applicant submitted that the applicant attended the police station as directed and he has cooperated the police during investigation. On the other hand, the investigating officer has filed report that the applicant has criminal antecedents and from the year 1981 as many 8 crimes were registered against him and cases were filed against him for offences under sections 149, 435, 337, Indian Penal Code; for offences under sections 307, 324, 149 etc. of the Indian Penal Code; under sections 406, 420, 465, 467, 471, 177, 179 etc. of the Indian Penal Code and also for offence under section 385 of IPC and one offence was registered under provisions of the Press and Registration Act. Learned counsel for the applicant submitted that the case filed under provisions of the Press and Registration Act is stayed by the Hon'ble Apex Court.

4) The record and the submissions made show that the present applicant No.1 has bad antecedents. There is allegation against him that he is publishing false news items for extracting money and so a case for extortion was filed against him. Though he was subsequently acquitted, copy of the judgment shows that the witnesses turned hostile. There is police report that he has political connection. The Investigating Officer has contended that there is no possibility that the applicant will cooperate as he is influential person.

5) In view of the antecedents of the applicant No.1 and the available material this Court holds that it is not a fit case to grant relief of anticipatory bail. Custodial interrogation is must in such a case. In the result, the application stands rejected. Interim relief is vacated.

Sd/-
(T.V. NALAWADE, J.)

rs1