

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

CRIMINAL APPLICATION NO. 3084 OF 2015

Vijay Baburao Avhad

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. Joydeep Chatterji, Advocate for Applicant.

Mrs. Pratibha Bharad, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 3rd JULY, 2015

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PER COURT :

1. By this application, applicant is seeking his enlargement on bail since he is arrested in connection with Crime No. 185/2015 registered with Pathardi Police Station, Dist. Ahmednagar for the offences punishable u/s 353,143,147,341 of the Indian Penal Code and u/s 37 (1) (3)/135 of the Bombay Police Act.

2. Heard Mr. Joydeep Chatterji, learned Counsel for the applicant and Mrs. Pratibha Bharad, learned A.P.P. for the respondent – State.

3. The application for bail of the present applicant was rejected by the learned trial Court on the ground that he was externee from Ahmednagar district. Merely because he is an externee, that can not be a ground for rejection of the bail application in a crime in which applicant is claiming bail. Said application has to be considered on its own merit. In so far as committing the breach of the externment order is concerned, other remedy lies with the prosecution and the prosecution has to follow the said remedy.

4. It is not in dispute that the applicant is Sarpanch of village Jambhala, which was facing scarcity of water. According to the F.I.R. which is lodged by the Block Development Officer on 25/05/2015, when he came to his office, that time he noticed mob of men and women including the present applicant. When the first informant was proceeding to his office, all the members of the said mob raised slogan of “Murdabad” against the first informant and also demanded that the village should get water tanker. That time, according to the allegation in the F.I.R., present applicant asked the women to pour water on the Block Development Officer and accordingly it was so done and thus according to the prosecution, present applicant has committed an offence.

5. Present applicant is in jail since 27/05/2015. To demand water from the authority is the legitimate right of the villagers. For that they can arrange “Dharna” also. However, the Court is not approving the act on the part of the present applicant to pour water on the Block Development Officer. Law will take its own course during the trial against the applicant. However, looking to the fact that the applicant is in jail since 27/05/2015, he can be released on bail on certain conditions.

6. Hence, I pass the following order :

- (i) present Criminal Application is allowed.
- (ii) Applicant Vijay Baburao Avhad be released on bail in connection with Crime No. 185/2015 registered with Pathardi Police Station, Dist. Ahmednagar for the offences punishable u/s 353,143,147,341 of the Indian Penal Code and u/s 37 (1) (3)/135 of the Bombay Police Act on he executing P.R. Bond of Rs.15,000/- [Rupees Fifteen Thousand] with two solvent sureties of like amount. Bail before the trial Court.
- (iii) Applicant shall not enter within the jurisdiction of Pathardy Panchayat Samiti till the charge sheet is filed.

- (iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 3084.2015