

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1125 OF 2015**

Uday Dhondu Patil	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. Vilas Babanrao Tapkir for the Applicant

Ms. Veera Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 26TH AUGUST, 2015

P.C. :

1. Heard learned Counsel for the applicant and the learned A.P.P.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 23 of 2015 registered with the Devgad Police Station, for the alleged offences punishable under Sections 353, 504, 506 of the Indian Penal Code, 1870.

3. The FIR has been lodged by a clerk-Tajaskumar Adasule, who was working at the Tahsildar Office at Devgad at the relevant time, alleging the aforesaid offences.

4. Learned Counsel for the applicant submits that as the applicant is the Sarpanch, the villagers would meet him in case of any difficulty. According to the applicant, on 22nd July, 2015, one Dinkar Nadkar visited him and disclosed to him that one clerk in the Office of the Tahsildar was demanding bribe for issuing a Non-Creamy Layer Certificate. According to the applicant, on making inquiry, he learnt the name of the said Clerk, who was demanding the bribe for issuing Non-Creamy Layer Certificate and accordingly approached the Tahsildar and lodged an oral complaint against the said Clerk. As the Tahsildar assured to look into the matter and take action, the applicant allegedly returned home.

5. From a perusal of the complaint/FIR lodged on 23rd July, 2015, it appears that on 21st July, 2015, when the complainant was busy on the Computer, the applicant came in the Office and insisted that the complainant sign the Certificate. It is alleged that when the complainant asked the applicant to wait for some time, since he was busy sending an e-mail, the applicant got annoyed and rushed towards him. It is alleged that the applicant abused the complainant in filthy language and obstructed him in the discharge of his official duty.

6. Learned Counsel for the applicant stated that the custody of the applicant is not required, as there is nothing to be recovered from the applicant. He submitted that considering the nature of allegations, the applicant be granted pre-arrest bail.

7. Perused the FIR. It no doubt appears that the applicant tried to obstruct the complainant in the discharge of his duties. However, considering the nature of allegations, the custodial interrogation of the applicant is not necessary. Hence, the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(ii) The applicant shall attend the concerned Police Station on every Friday between 10:00 a.m. to 12:00 noon till the filing of the charge-sheet;

- (iii) The applicant shall cooperate with the investigating agency and shall not tamper or attempt to influence the witnesses or any person concerned with the case.
8. The Application is allowed in the aforesaid terms and is accordingly disposed of.
9. It is made clear that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.
10. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.