

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

Criminal Application No. 3118 of 2016

District : Jalgaon

1. Harihar Padmakar Patil,
Age : 55 years,
Occupation : Service,
R/o. Plot No. 96,
Gat No. 324+327,
Dharangaon,
District : Jalgaon.

2. Santosh Lakhichand Patil,
Age : 37 years,
Occupation : Driver,
R/o. 162, behind Kazi
Building,
Dharangaon-Chopda Road,
Dharangaon,
Taluka : Dharangaon,
District : Jalgaon.

.. Applicants.

versus

The State of Maharashtra,
Through Police Inspector,
Dharangaon Police Station,
Dharangaon,
District : Jalgaon.

.. Respondent.

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Mr. D.B. Thoke, Advocate, for the applicants.

*Mr. S.D. Ghayal, Addl. Public Prosecutor, for
the respondent.*

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CORAM : Smt. SADHANA S. JADHAV, J.

DATE : 11TH JULY 2016

ORAL ORDER:

Heard the learned Counsel for the applicant and the learned Addl. Public Prosecutor for the respondent.

2. Perused the papers of investigation.

3. The applicant herein apprehends his arrest in connection with Crime No. 77/2016, registered at Police Station, Dharangaon, District Jalgaon, for the offences punishable under Sections 353, 332, 427, read with Section 34 of the Indian Penal Code.

4. It is an admitted position, that the complainant as well as the applicant herein are public servants working in Rural Hospital, Dharangaon. On 25th May 2016, Dilip s/o. Namdev Amodkar lodged a report at the Police Station, alleging therein that on 25th May 2016, at about 09.30 a.m., he had been to the hospital and had approached the present applicant and Santosh Patil. That, he had informed that he has not received the information which he has sought under the provisions of the Right to Information Act. He insisted upon them to give the information forthwith. That, there was verbal altercation between the complainant and the applicant. That, the applicant is alleged to have thrown away the office stationery. That, they

had attempted to strangle the complainant and only when he raised hue and cry, he was rescued by the other staff members.

5. It is pertinent to note that on 18.11.2015, the present applicant had filed a report to the Deputy Director of Health Services, Nashik Region, Nashik, against the complainant Dilip s/o. Namdev Amodkar, that he has no inclination to discharge his official duties. That, he remains absent from work without seeking leave.

6. It is a matter of record, that the complainant has retired on 30th May 2016 on superannuation. That, he was seeking to be accommodated on the post of Data Entry Operator and Accountant after his retirement. That, on 11th May 2016, the present applicant, Harihar s/o. Padmakar Patil, who happens to be Pharmacist, had informed the Block Development Officer, that the complainant Dilip s/o. Namdev Amodkar does not deserve to be accommodated as Data Entry Operator for the simple reason that he does not possess the requisite qualification and that he is not regular in discharging his official duties. It was also reported that he has no knowledge about the computer. It was in these circumstances, the complainant could not be accommodated after superannuation.

7. The learned Counsel for the applicant submits that the complainant Dilip s/o. Namdev Amodkar had learnt about the communication dated 11th May 2016 and, therefore, on 25th May 2016 i.e. 5 days before retirement, he lodged report against the present applicants. It is also demonstrated before this Court, that the applicant Harihar s/o. Padmakar Patil was not working as an Information Officer and no application filed by the complainant was pending before him and, therefore, there was no occasion to ask for any information.

8. The learned Addl. Public Prosecutor submits that the enmity is a double edged weapon. Extending his arguments, the learned Counsel for the applicants submits that the FIR is lodged only to wreck personal vendetta against the present applicant.

9. Taking into consideration all these aspects, interim protection granted in favour of the applicants vide order dated 17th July 2016, deserves to be confirmed.

10. Hence, the Application is allowed.

In the event of arrest of the applicants, in connection with Crime No. 77 of 2016, registered at Police Station, Dharangaon, District Jalgaon, they be enlarged on bail on their furnishing P.R. Bond in the

sum of Rs. 15,000/- each, with one or two sureties of the like amount by each of them. However, the applicants shall not report to the Police Station except upon a notice under Section 160 of the Code of Criminal Procedure, 1973.

11. The Application stands disposed of in the aforesaid terms.

(Smt. SADHANA S. JADHAV)
JUDGE

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