

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

CRIMINAL APPLICATION NO. 3272 OF 2016

Mithun @ Pradeep Nanasaheb Thombre ...Applicant

VERSUS

The State of Maharashtra ...Respondent

.....
Shri S.B.Kadu, advocate for applicant
Shri S.Y.Mahajan, A.P.P. for respondents
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CORAM : N.W.SAMBRE, J.

DATED : 28th JUNE, 2016

PER COURT :-

The applicant is seeking pre-arrest bail, in connection with C.R.No.I-48 of 2016, registered with Virgaon police station, Taluka Vaijapur, District Aurangabad, for offences punishable under Sections 307, 379, 353, 341, 143, 147, 149 of the Indian Penal Code.

2. The submission of the applicant is that the applicant is not the registered owner of the vehicle in question and has been falsely implicated in the crime. He would then submit that the vehicle is already seized by the investigating agency and as such custodial interrogation is not necessary.

3. The learned A.P.P. opposed the application on the ground that the offence is against the public servant. He would then submit that the F.I.R. depicts a specific role to the present applicant and further investigation demonstrates prima facie involvement of the applicant in the crime in question. According to him, custodial interrogation is necessary as offence under Section 307 of the Indian Penal Code is punishable for more than ten years.

4. Having bestowed my thought to the submissions made, it is required to be noted that the applicant has tried to assault a public

servant when he was discharging his public duty. Apart from above, the mode and manner in which the applicant has committed the crime i.e. theft of sand from the river bed, the emptying the sand on road side, moment he was intercepted by the staff from the revenue and police department he tried to attack official of the Government, speaks volumes about his intention to commit crime in question. Investigation depicts his prima facie involvement in the crime. In my opinion, no case for grant of bail is made out by the applicant.

5. Application is rejected.

(N.W.SAMBRE, J.)

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