

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

918 CRIMINAL APPLICATION NO. 4944 OF 2016

Dr. YOGESH S/O UTTAMRAO SATHE

VERSUS

**THE STATE OF MAHARASHTRA
& ANR.**

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Mr. D.B.Bhange, Advocate for Applicant.

Mr. S.J.Salgare, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 16th SEPTEMBER, 2016

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PER COURT :

1. The applicant/accused in Crime No. 49/2016 registered at Ramanand Nagar police station, Jalgaon, Dist. Jalgaon for the offences punishable u/ss 353,186,504,506 of the Indian Penal Code and u/s 3 of the Prevention of Damage to the Public Properties Act, 1984 at the instance of Dr.Revatkumar Pithuji Borkar, Principal of Govt. Engineering College, Jalgaon, by this application is seeking pre-arrest bail.

2. Heard the learned counsel for the applicant. He argued that in past 2 reports were lodged by the present applicants against the employees of the College, but those

reports were filed with an observation that the matter relates to the administration. The learned counsel further argued that on 20/08/2016, the applicant was present in the college. The learned counsel drew my attention to the report dated 11/02/2016 lodged by the applicant to Ramanand Nagar police station, Jalgaon. In this report, it is alleged by the applicant that the in-charge Principal of the college with the help of Security Guard, had obstructed the applicant at the gate of the college and in presence of the students of the college, his body was checked and humiliating treatment was given to him. The learned counsel averred that as the applicant belongs to the backward class, he is being humiliated. My attention was further drawn to the another report dated 22/02/2016, in which the applicant had alleged that the employees of the college are deliberately not supplying the information to him under the Right to Information Act and he was asked to pay the amount for getting information. With this, the learned counsel for the applicant argued that the applicant who is also an Assistant Professor in the said college, is framed in the crime in question.

3. The learned A.P.P. opposed the application by contending that the averments in the F.I.R. are well supported by the papers of investigation and there is documentary evidence to connect the applicant to the crime in question.

4. Perused the annexures to the application as well as the papers of investigation including the report lodged by

the Principal, Govt. Engineering College, Jalgaon. Undisputedly, the applicant is also working as Assistant Professor with the said College, but it appears that he is not an employee selected by the M.P.S.C.

5. The Principal of the College reported to police that on 28/04/2016, he has received the report from the Security Guard that on 27/04/2016, the present applicant had broken the doors of the college. The Committee was appointed to verify the facts and the report tendered by the Committee, as reflected in the F.I.R., showed the truthfulness of the report lodged by the Security Guard. The Principal further averred that thereafter on 30/04/2016, there was a meeting of the Academic Council of the College. When that meeting was going-on, the applicant dashed in the meeting hall and started abusing the Principal. The F.I.R. further reveals that the applicant obstructed the Principal and other members of the Academic Council from continuing the said meeting and he has also damaged and broken the plates meant for serving breakfast to be provided to the members of the Committee.

6. The papers of investigation contains the report lodged by Sham Patil, Security Guard to the Principal of the college reporting that the present applicant had broken doors of the college. The report of the Committee appointed by the Principal, is also with the papers of investigation. The report of the Committee shows that 2 doors, one near the cabin of the Principal and another at the Conference hall were found

broken. During investigation, statement of Security Guard named Sham Patil came to be recorded. He has stated to police that the present applicant had broken doors of the college. The Committee has reported that because of broken doors loss of ` 5,500/- is caused to the public property.

7. The papers of investigation do show that the meeting of the Academic Council was convened on 30/04/2016. That meeting was being attended by the informant Principal as well as the Assistant Professors viz. Mr. S.S.Wani, Mr. H.D.Gadade and Mr. M.S.Patil. As a student representative, Miss. Prajakta Arun Patil had also attended the said meeting. Statements of these Assistant Professors and student representative consistently show that the applicant gate crashed that meeting and started giving abuses to the Principal of the College. The applicant then indulged in breaking the plates kept at the meeting hall. Because of this act of the applicant, as seen from the statements of the witnesses, proceedings of the meeting were disturbed and ultimately the meeting could not be continued.

8. The record of investigation as such *prima facie* reveals commission of offence punishable u/s 353 of the Indian Penal Code, which is non bailable in nature. Similarly, the offence punishable u/s 3 of the Prevention of Damage to Public Property Act, 1984 is also punishable with Rigorous Imprisonment for a term which may extend to 5 years. The conduct shown by the applicant, who is Assistant Professor of the Govt. Engineering College, will have to be kept in mind

while considering the instant application. The nature and circumstances in which the crime in question is allegedly committed and the loss of the public property, so also the loss to the academics of the college are also important consideration.

9. Taking over-all review of the matter, no case for anticipatory bail is made out. Hence, the following order.

(i) The Criminal Application stands rejected.

[A.M.BADAR, J.]