

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

CRIMINAL APPLICATION NO. 5629 OF 2016

Sidhappa s/o. Shivram Katare .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.G.J. Karne, Advocate for the applicant.

Mr.S.P. Sonpawale, A.P.P. for respondent/State.

CORAM : A.M. BADAR,J.

DATED : 19.10.2016

P.C. :-

1. The applicant/accused in Crime No.70 of 2016 registered with Biloli Police Station, Dist. Nanded, for the offences punishable under sections 353, 323, 506 read with section 34 of the Indian Penal Code, by this application, is seeking pre-arrest bail.

2. Heard learned Counsel appearing for the applicant/accused. He argued that the informant was on inimical terms with the present applicant and therefore, the applicant is falsely implicated in the crime in question. My attention was drawn to a letter dated 19.09.2016 written by the present applicant to the Block Development Officer alleging that the informant Gram Sevak and Sarpanch of the village are indulging in

corruption. Similarly, the application dated 06.09.2016 made by the applicant to the Block Development Officer regarding cancellation of Mutation Entry in Form No.8 by the informant was also pressed in service. It is argued that the matter of corruption by the informant and the Sarpanch was even noticed by the public at large and the news item was figured in Daily Lokmat dated 21.09.2016.

3. Learned A.P.P. opposed the application by contending that the version of the informant is supported by the statement of all persons who are natural witnesses to the incident in question.

4. Perused the papers of investigation. Crime in question is registered on the basis of report lodged by Surkant Pete, who is Gram Sevak of village Lamni (Bk), Tq. Biloli. He reported that on 20.09.2016 at 12.30 p.m. when he was present in the office of Panchayat Samiti, Biloli, the present applicant came at his table, questioned him as to why he had cancelled the Mutation Entry in Form No.8 and thereafter threw record which was there on his table. Then according to the version of the informant, the applicant held him by collar and assaulted him. The applicant then threatened that if the informant or Surpanch enters in the village, the they will be killed.

5. Sandip More - Gram Sevak, Prakash Waghmare - Gram Sevak, Shaikh Faruq Sadik - Clerk, Shivaji Matamwad - Gramsevak and Datta Khanderao - Jr. Assistant, were present at the time of the incident in the office of Panchayat Samiti, Biloli. Their statements show that they had witnessed the incident and they fully supported the version of the informant in respect of assault on the informant in order to deter him from discharging public duty in the office.

6. Considering the nature of the crime and the circumstances in which it is committed, no case for anticipatory bail is made out. Even otherwise according to learned A.P.P., four similar offences were registered against the applicant in the past. Hence, the application is rejected.

[A.M. BADAR, J.]