

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2011 OF 2016

Uttam Jinnappa Mohite. ... Applicant.
Versus
The State of Maharashtra. ... Respondent.

Mr. Nilabh Toshnival i/b. Mr. Manoj A. Patil, advocate for Applicant.

Mr. Vinod Chate, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : NOVEMBER 22, 2016**

P.C.:

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 169 of 2016 registered at Vishrambag Police Station, Sangli for the offence punishable under section 143, 353, 506 read with section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 17/10/2015 Smt. Archana Kapse who is working in the office of Food Distribution and Civil Supplies as Extension Officer lodged a report at the police station alleging therein that on 15/10/2016 at about 10 a.m. Jayshree Mane, who was working as Awal Karkoon had called upon her. She alongwith one Mr Annasaheb Hange had gone to the office at about 3.30 p.m.. There they learnt that on the same day at about 2 p.m. Uttam Mohite i.e. the present applicant had been to the office and had raised an issue that his ration card is missing and for issuance of duplicate, it is necessary to obtain the certificate from the police. He had raised quarrel with Anil Kadam. Anil Kadam asked him to meet the superiors and thereafter, he had raised quarrel with the public servant. He had threatened them that he would bring people to take action against them. He had obstructed the public servant from discharging their official duties and had abused them while they were on duty.

4 The learned Counsel for the applicant submits that the applicant is the District President of Dalit Mahasangh. That on 15/10/2016 he complained to the District Collector about the corrupt practices of the complainant and the other officers. He had also given a notice to the District Collector that on 18/10/2016 he would organise a protest march against them. According to the learned Counsel, in order to deter the applicant from conducting the protest march, first information was lodged on 17/10/2016.

5 The learned APP has placed a report on record, which shows that the applicant is prosecuted in 8 offences. He is being prosecuted under section 376 of the Indian Penal Code in Crime No. 14/16, under section 384 of Indian Penal Code in Crime No. 67/16, under Section 195A of IPC in Crime No. 24/13, under section 366 IPC in Crime No. 189/10, under section 452 of IPC in Crime No. 10/12, under section 436 of IPC in Crime No. 20/16, under section 143, 343 of IPC in Crime No. 131/11 and under section 309, 353 of IPC in Crime No. 264/10 registered at various police stations.

6 It is apparent on the face of the record that the applicant has no regard for law and that he has rather obstructed public servant from discharging official duties and committed offence under section 353 of the Indian Penal Code, thereby paralysing the work of public office, due to which general public would suffer serious consequences. Hence, the applicant does not deserve pre-arrest bail.

7 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

8 The application being sans merits stands rejected and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)