

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 5792 of 2017.**

Santosh Bhausaheb Kanhore,
Age 40 years, Occ. Agril.
R/o. Ghargaon, Tq. Sangamner,
District Ahmednagar.

... Applicant.

VERSUS.

The State of Maharashtra
and another.

... Respondents.

...

Advocate for the Applicant : Mr. N.B. Suryawanshi &
Pokharkar D.D.

APP for Respondents/State : Mr. A.D. Namde.

CORAM : V.L. ACHLIYA, J.

DATE : 30th November, 2017.

ORAL ORDER :

1. The applicant apprehending arrest in connection with Crime No. 84/2017 registered at Ghargaon Police Station, District Ahmednagar, for the offences punishable under sections 353, 323, 504, 506 of the Indian penal Code, has preferred this application seeking anticipatory bail.

2. Heard learned counsel for the applicant and the learned APP for the respondents/State. Perused the affidavit filed by the investigating officer as well as first information report.

3. In short it is the contention of the learned counsel for the applicant that the applicant is innocent person. He has not committed any offence as alleged against him. No incident to abuse the informant and obstruct him from discharge of his duty, committed on the part of the applicant. He submits that a false story was cooked to any how implicate him in the case.

4. On the other hand learned APP submits that there is prima-facie case to attract the offences under sections 353, 323, 504, 506 of the Indian Penal Code against the applicant. He submits that, pursuant to the complaint received that the applicant along with his two associates went to place where religious programme was going on and threatened one Muslim boy, who was engaged in cooking the food, which may lead to breach of peace and communal tension, as a preventive measure the informant went to serve the notice under section 149 of the Code of Criminal Procedure to applicant. The applicant refused to accept the notice. He abused informant and also beat him by fist blows. It is further contended that, the applicant is habitual drinker.

5. On due consideration of the submissions

advanced, I am of the view that the applicant deserves to be released on bail. Release of applicant on bail will not hamper the ongoing investigation. During the pendency of the application the applicant was made to appear before the police officer from 18.11.2017 to 28.11.2017 in between 12 noon to 5 p.m. and to cooperate in investigation. Accordingly the applicant has appeared and attended the police station. The custodial interrogation of the applicant is not required for the purpose of conducting investigation. The investigation is practically over and statement of witnesses are already recorded. I am therefore inclined to allow the application. Hence, following order is passed.

ORDER

1. Application is allowed.
2. In the event of arrest in connection with Crime No. 84/2017 registered at Ghargaon Police Station, District Ahmednagar, for the offences punishable under sections 353, 323, 504, 506 of the Indian penal Code, the applicant be released on his furnishing bail in the sum of Rs. 30,000/- with one surety in the like amount, on following conditions.

- (i) Applicant shall appear before the officer in-charge of police station Ghargaon, District Ahmednagar, on last day of each month in between 10 a.m. to 11 a.m. to record his presence, as and when directed by the investigating officer.
- (ii) Applicant shall not indulge into any offence of similar nature till conclusion of trial.
- (iii) Applicant shall not indulge into any act amounting to pressuring the prosecution witnesses.

3. In the event of breach of any of the conditions, the bail granted to applicant liable to be cancelled.

6. Criminal application stands disposed of in above terms.

(V.L.ACHLIYA, J.)

mkd/-