IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1353 OF 2017

Bandu Kondiba Dhadas & Anr ... Applicants

vs.

State of Maharashtra ... Respondent

Mr. Kuldeep Patil, i/b Mr. Ranjeet H. Patil, for the Applicants.
Mr. Deepak Thakare, A.P.P. for the State/Respondent.

Coram : T. V. NALAWADE, J.
Date : 8th August, 2017

P.C. :

1. The Application is filed for relief of anticipatory bail in Crime No.142 of 2017 registered in Atpadi Police Station, District Sangli for the offences punisble under Sections 353, 332, 504, 506, 34 of Indian Penal Code. Both sides are heard.

2. The crime is registered on the basis of report given by the Tahasildar of Atpadi Tahasil. On 7th July 2017, the Tahasil office had information that mineral which was illegally excavated was being transported on Umbergaon-Zare road. He took his staff and went to the spot to intercept the vehicle. As he had suspicion with regard to the one dumper, chase was given to the dumper and it was intercepted. There was sand in the dumper.

The driver tried to take away the dumper and due to that suspicion all Officers strengthened and they again intercepted the vehicle. When enquiry was made with the driver, the driver showed a pass in respect of the sand. In the meantime, the Police Patil of Dighanchi came there and in one four wheeler present Applicant and two other persons came there. Present Applicant then picked up quarrel with Tahasildar and manhandled Tahasildar. The other persons in the company of present Applicant said that the Tahasildar was unnecessarily intercepting the vehicles carrying minerals and lesson needs to be taught to him. The staff of Tahsil office tried to intervene and save the Tahasildar, but he was manhandled. Report came to be given on the same day i.e. on 8th August 2017 in respect of the incident.

3. The learned APP showed to this Court that present Applicant Bandu was involved in two more similar offences in the past. The learned APP submitted that when Tahasildar was discharging his duties, it was necessary for the present Applicant to cooperate, but he deliberately assaulted the Tahasildar and so the discretionary relief cannot be given in his favour. As the record shows that this is the third case in which present Applicant assaulted a Revenue Officer, who was discharging his duties, this court holds that discretionary relief cannot be granted in favour of the Applicant. The incidents of assault on the Officers, who are discharging their duties are increasing day by day. The Officers are crushed under the heavy vehicles when they attempt to intercept such vehicles. Thorough

investigation needs to be made. It also needs to be ascertained as to whether on that day there was really the pass in respect of that sand. There are cases in which duplicate passes are created and that way the offences in respect of mine and minerals are committed.

4. In the result, the Application stands rejected. Interim relief, if any, stands vacated.

[T. V. NALAWADE, J.]