

Nalawade

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2134 OF 2017

Sachin Baburao Sorate and ors. ..Applicants.
vs.
State of Maharashtra ..Respondent.

Mr. Rahul Kate for the Applicants.
Mr.S.S.Hulke, APP. for the State.
Mr.Vishal Nagare-PC from Wadgaon Nimbalkar Police Station
Pune Gramin.

CORAM: A.S.GADKARI, J.
DATE : 07th December, 2017.

P.C.

1. This is an application under Section 438 of the Cr.P.C. for pre arrest bail in CR No.378 of 2017 dated 16.10.2017 under Sections 160, 353, 332, 333, 143, 147, 148, 149 of the Indian Penal Coder and under Section 135 of the Mumbai Police Act.
2. Heard the learned counsel for the applicants, the learned APP and perused the record of investigation.
3. The first information report is lodged by Shri. Nitin Jadhav, Police Constable attached to Baramati City Police Station. It is alleged that he along with other police persons were deputed for petrolling and bandobast duty at election polling booth of Soratewadi Gram Panchayat. That the first informant along with other police constables were guarding the said polling booth. That, at about 1.15p.m. two persons were

noticed quarrelling within the radius of 100 meters from the said booth and therefore, the informant along with other public servants tried to pacify the quarrel and requested the said persons to leave the said place. At that time the accused No.1 Dnyaneshwar Sorte assaulted the first informant with a stick on his left hand palm and also assaulted the persons from his rival group. It is alleged that the applicants were also part of the said unlawful assembly along with Dnyaneshwar Sorte at the time of assault on the said police constable. In the premise, the first information report is lodged.

4. The offence lodged against the applicant is under Section 353 of the Indian Penal Code for assaulting or using criminal force to deter the public servant from performing their lawful duty. The first informant was performing his lawful duty in guarding the polling booth as per the directions issued by the superior officers. The offence alleged against the applicants is indubitably serious in nature and requires thorough investigation at the hands of the police. The police will have to investigate whether the act alleged against accused No.1 Dnyaneshwar Sorte and applicants was a wider conspiracy to disturb the electoral process and the same is not possible without custodial interrogation of the applicants.

5. After taking into consideration the serious allegations

against the applicant and the gravity of the offence this Court is of the view that the applicants do not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S.GADKARI, J.)