

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1584 OF 2018

Rahul Sadashiv Deshmukh. ..Applicant.

V/s.

State of Maharashtra ..Respondent.

Mr. Shailesh D. Chavan, advocate for applicant.

Mr. Prashant Jadhav, APP for State.

Mr. Ravindra P. Khade, P.C., Phaltan City Police Station.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : AUGUST 8, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP.

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. 246 of 2018 registered at Phaltan City Police Station for offence punishable under section 307, 353, 506, 143, 147, 149 of the Indian Penal Code.

3 It is the case of the prosecution that on 11/7/2018 the Executive Engineer Mr. Satish Rajdeep lodged a report at the police station alleging therein that on 10/7/2018 when he was discharging his official duty at about 12.30 in the afternoon, Nanaso Ivare, Rahul

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Deshmukh and 6 to 7 more had been to his office. They were insisting upon changing transformer. The applicant and others were carrying petrol in bottle with them. The staff of the complainant had attempted to convince them not to take such adverse steps. However, they continued the same. They have brandished petrol filled bottles. That on 10/7/2018 office bearers had also asked the applicant to maintain peace. Some of the petrol had fallen on his shirt. The complainant had got scared by the registration of the offence and had assured the farmers that he would give alternative transformer on the very next day. As many as 8 persons have been shown as accused in the said offence. The farmers had taken extreme step by brandishing the petrol bottle and threatening the complainant that they would pour the same on his person.

4 There was genuine claim of the farmers, which was not fulfilled. The farmers had been to the house of Executive Engineer requesting him to give transformer. The report would show that it was the friend who was insisting upon the applicant to set him ablaze by pouring kerosene. According to the prosecution, applicant and others have committed breach of peace and order of police department.

5 In view of the facts of the case, the applicant deserves to be granted pre-arrest bail.

6 The observations are prima facie in nature and restricted to the application under section 438 of the Code of Criminal procedure, 1973 and the same shall not be considered for discharge application, quashing of FIR or at the time of trial.

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7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
 - (ii) In the event of arrest in Crime No. 246 of 2018 registered with Phaltan City Police station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 50,000/- with one or more solvent sureties in like amount.
 - (iii) The applicant shall report to the concerned Police station as and when called and cooperate with the investigating agency to the best of his capacity.
 - (iv) The applicant shall not tamper with the evidence.
- 8 The application is disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]

Aruna
Sandeep
Talwalkar

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by Aruna
Sandeep
Talwalkar
Date: 2018.08.09
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