

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

ANTICIPATORY BAIL APPLICATION NO.2006 OF 2017

Prashant Baburuwahan Jirge	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Mr. Kuldeep Nikam I/b. Mr. Prashant S. Hagare for the Applicant.
Mr. S.H. Yadav, APP for the Respondent-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 25th OCTOBER, 2018.

P.C.:-

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R. No.118 of 2017 registered with Walchand Nagar Police Station, District Pune-rural, for offences punishable under Sections 353 and 392 of the Indian Penal Code, 1860.

2. Heard Mr. Kuldeep S. Patil for the Applicant and Mr. S.H. Yadav, the learned APP for the Respondent-State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by one Girish Sandikar, working as Circle Officer, Indapur. The first informant and other officers were on patrolling duty in the area of Nimsakhar, Kulamb and Kuravli, in view of complaints of illegal extraction and transportation of sand in the said area. The first informant claims that they had seen two tractors loaded with sand. Drivers of the said tractors were unable to produce Chalan in respect of the payment of royalty. It is stated that when the first informant and others were taking said tractors towards the police station, one person by name Dadaso Vhorkate came to the site and obstructed the first informant in discharging his duties. It is alleged that thereafter two other persons came in a swift car and that they manhandled the first informant and abused him and snatched his Mobile and threw it on the road. The statements of the other witnesses indicate that the Applicant was also present at the spot of the incident alongwith Ajit and Amol and that he too was involved in abusing and manhandling the first informant.

4. It is to be noted that the FIR prima facie indicates that only two persons had come by swift car and their names were disclosed as Ajit and Amil. The FIR does not prima facie indicate that the Applicant

had come to the spot by the said swift car and /or that he was involved in manhandling and abusing the first informant and/or throwing his mobile. The FIR prima facie rules out the presence of this Applicant at the place of the incident.

5. Considering this aspect, in my considered view the Applicant would be entitled for pre-arrest bail. The learned APP submits that the Applicant has no criminal antecedents. The Applicant is a permanent resident of Bhavani Nagar, Taluka-Indapur, and there are no chances of his absconding or fleeing from justice.

6. Considering the above facts and circumstances, the application is allowed on following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R. No.118 of 2017 registered with Walchand Nagar Police Station, District Pune-rural, the Applicant shall be released on bail on furnishing bail bonds of Rs.30,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall report to the Walchand Nagar Police Station for a period of four days from

30.10.2018 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required and called by the investigation officer.

(iii) The Applicant shall furnish his permanent as well as temporary address, if any, and his contact details to the concerned investigation officer.

(iv) The Applicant shall not change his residential address without prior intimation to the concerned investigation officer.

(SMT. ANUJA PRABHUDESSAI, J.)