

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

ANTICIPATORY BAIL APPLICATION NO. 2245 OF 2018

Nilappa s/o. Laxman Birajdar ..Applicant

v/s.

The State of Maharashtra . ..Respondents

Mr. Sagar Tambe I/b. Ritesh Thobde for the Applicant.
Mr. S.R.Agarkar, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : OCTOBER 30, 2018.**

P.C.

1. Heard
2. This is an application under Section 438 Cr.P.C. filed by the aforesaid applicant apprehending his arrest in C.R.No. 415 of 2018 registered with Akkalkot (North) Police Station for offences under Section 353, 332, 504, 506 of IPC.
3. The aforesaid crime was registered pursuant to the FIR lodged by Mohit Sangappa Antad, wireman attached to MSEB. A perusal of the FIR prima facie reveals that on 29.9.2018 the Superior Officers of the first informant had instructed him to check theft of electricity in

Village Halhalli, Akkalkot. Hence he alongwith other persons from the office proceeded towards village Halhalli. It is stated that while he was performing his official duty and removing the material used for illegal tapping of electricity, the applicants and other questioned him, they caught hold of his neck and manhandled him . He has stated that he explained to them that he was performing his official duty, despite which they abused, threatened and assaulted him by kicks and blows and prevented him from discharging his official duty.

4. The material on record prima facie reveals that the applicant was not only involved in committing theft of electricity but he was also involved in assaulting, abusing and threatening the first informant and others who, as public servants were discharging their official duties. The nature of the allegations and the conduct of the applicant, in my considered view does not justify exercise of discretion in favour of the applicant. The application is therefore dismissed.

(ANUJA PRABHUDESSAI, J.)