

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

ANTICIPATORY BAIL APPLICATION NO. 2252 OF 2018

1. Sachin Nivrutti Rayte
2. Yogesh Raosaheb Rayte
3. Kailas Karbhari Rayte

....Applicants

V/s.

The State of Maharashtra

....Respondent

Mr. Tushar N. Sonawane for the applicants.

Mrs. J.S. Lohokare, APP for the State.

Mr. Bhaskar Shinde, PSI, Lasalgaon Police Station, present.

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

P.C.:

. This is an application under section 438 of Criminal Procedure Code, filed by the aforesaid applicants, apprehending their arrest in C.R.No.108/2018 registered with Lasalgaon Police Station, District Nashik for offences punishable under sections 143, 148, 332, 353, 504, 506 r/w. 34 of the Indian Penal Code.

2. Heard Mr.Tushar N. Sonawane, learned counsel for the applicants and Mrs. J.S. Lohokare, learned APP for the State. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties.

3. The aforesaid crime was registered pursuant to the first information report lodged by Dinesh Uttam Godse, Junior Engineer at MSEDCL, Sarole Division, Niphad. Pursuant to the complaint received from one Shaikh about continuous disruption of electricity supply, the first informant was deputed to check electricity connection in the said area. The first informant and the other staff members went to Khadak, Malegaon, Shivar to inspect the high voltage line passing through the field of the applicants herein. While checking the DP distribution box, they found that one separate wire was passing through the well of the applicant/Kailas Raite. When the applicants saw the first informant and other staff inspecting the distribution box, they came to the site, dragged the first informant in the house and assaulted him and other staff by blows and kicks.

4. Mr. Tushar Sonawane, learned counsel for the applicants submits that the applicants have 10 to 12 electricity connections and that they are not involved in illegal trapping of electricity. This is a question which needs to be decided on merits of the matter and is not a ground for grant of pre arrest bail.

5. Mr. Tushar Sonawane, learned counsel for the applicants submits that the reply dated 06/10/2018 filed by the prosecution before the

Sessions Court does not indicate that the applicants were involved in assaulting the first informant and his staff. Suffice it to say that the bail application is to be decided on the basis of material on record and not on the basis of the reply filed by the prosecution.

6. In the instant case, the material on record prima facie indicates that the applicants were involved in assaulting the public servant while they were discharging their duties. Nature of the allegations as well as the conduct of the applicants would not justify exercise of discretion in favour of the applicants. Hence, the Anticipatory Bail Application is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)