

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2647 OF 2018

Ratnabai Jibhau Bachhav & Anr.

....Applicants.

Vs.

The State of Maharashtra

....Respondent.

Mr. M.H. Sandhyanshiuv for the Applicants.

Ms. Rutuja Ambekar APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 21st DECEMBER, 2018.

P.C.:-

This is an Application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in C.R. No. 237 of 2018 registered with Nandgaon Police Station, Nandgaon, District Nashik under Sections 353, 143, 149 of the Indian Penal Code.

2 Heard the learned counsel appearing for the Applicants and the learned APP. Perused the record annexed to the Application.

3 The first information report is lodged by Shri Balnath Paithankar, the Circle Officer, attached to the Tahasil Office at Nandgaon, District Nashik.

It is the prosecution case that, the Circle Officer was

directed by the Tahasildar to make a way/road in Gat No. 65 at village Sakora. That, on 30th November, 2018 at about 1.30 p.m. the said Officer, after obtaining police protection, went to the site to make a road, when the Applicants along with other accused persons, obstructed them, created ruckus and prevented the Government Servants from performing their lawful duty. When the Assistant Police Inspector, deputed to provide protection to the Government Servants tried to explain and pacify the Applicants and the accused persons, it is alleged that, the Applicants did not co-operate with him and obstructed the Tractor and other machinery which was brought by the Government Servants to carry out their official work. Due to the said act of the Applicants and the other accused persons, the Government Servants could not perform their lawful duty.

4 The first information report is self eloquent. It is categorically stated that, the Applicants and the other accused persons laid themselves in front of the Tractor and other machinery and prevented the Circle Officer and other Government Officers from preparing a road as per the directions of the Tahasildar. The act alleged against the Applicants squarely falls within the purview of Section 353 read with Section 149 of the Indian Penal Code.

5 After taking into consideration the material available on
record, serious allegations against the Applicants 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.

6 Application is accordingly rejected.

(A.S. GADKARI, J.)