

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

ANTICIPATORY BAIL APPLICATION NO. 804 OF 2019

Bibabai @ Bibi Dada Mirgal & Ors.	...Applicants
Vs.	
State of Maharashtra	...Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 805 OF 2019**

Ankush Navnath Mirgal & Ors.	...Applicants
Vs.	
State of Maharashtra	...Respondent

- Mr. Sachin H. Deokar, Advocate for the Applicants in both ABAs.
- Mr. S.H. Yadav, APP for the State.
- Mr. S. L. Jadhav, API, Karmala Police Station.

CORAM : SARANG V. KOTWAL, J.
DATE : 19th AUGUST, 2019

P.C. :

1. Both these applications are decided by this common order because they arise out of the same FIR.
2. The applicants are seeking anticipatory bail in connection with CR No. 192/19 registered at Karmala Police Station for the offences under sections 353, 504, 506, 143, 147, 188 read with section 149 of the IPC.

3. The offence is registered on 13th March 2019 at the instance of police head constable Bajrang Borate attached to Karmala Police Station. He has stated in his FIR that the Tahasidar at Karmala had sanctioned construction of road at village Bhilarwadi for providing access to agricultural gat no. 21/1/A and 21/1/B belonging to one Vithhal Mergal. The FIR mentions that on 13th March 2019, at about 10.00 a.m., some police constables, circle officer and Vitthal Mergal were present at the spot. They were in the process of putting markings for the road. JCB machines were used to start the initial work. At that point, all the present applicants and four more accused obstructed the police party, circle officer and Vitthal. The applicants were telling the informant and others that they would obtain a stay order on their work and till then they should not continue with construction of the road. The applicants did not have any stay order with them and therefore, the informant told them not to interfere with their work.

4. It is further alleged that the applicants threatened to commit suicide if the road was constructed. Because of this, on that day, no further progress was made. Though the incident had occurred

in the morning, the FIR was lodged at 11.40 in the night.

5. Heard, Mr. Deokar, learned counsel for the applicant as well as Mr. Yadav, learned APP for the State.

6. Learned counsel for the applicants submitted that four accused i.e. Rama Mergal, Laxmana Mergal, Audumber Mergal and Pandurang Sangle are already released on bail. He submitted that the present applicants were affected parties, they simply wanted some breathing time to approach the court to put-forth their grievance. He, therefore, submitted that the applicants were concerned about losing major portion of their land and therefore they had stopped the construction of the road on that day. He submitted that the applicants are not criminals and their custodial interrogation in this case is not necessary.

7. Learned APP submitted that the applicants had interfered with performance of public duty and therefore they should not be protected by an order of anticipatory bail.

8. I have considered these submissions. It appears that the incident is a small incident. Applicants have not caused damage either to the property or to the persons who were present. The

applicants have not used any weapon and have not even tried to pelt stones. The incident had occurred on 13th March 2019. As pointed out by the learned counsel for the applicant, they have already approached this court for appropriate relief to stop construction of road. Though no order is passed till today, the statement made by the learned counsel for the applicants shows that the applicants have approached this court.

9. In this view of the matter, custodial interrogation of the applicants is not necessary. Hence, the following order:-

ORDER

(I) In the event of their arrest in connection with C.R. No. 192/19 registered at Karmala Police Station, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.

(ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)