

3. The FIR in the present case is lodged by police constable Rajendra Babar attached to Miraj Rural Police Station, Dist. Sangli. It is mentioned in the FIR that on 23.03.2019 he was told by his superior that one Ramchandra Sonandkar needs police protection from the present applicants as the present applicants were interfering with his right to cut the sugarcane crop. Ramchandra Sonandkar had asked for police protection and accordingly he was granted such protection. On 23.03.2019 the first informant along with his other colleagues/officers went to the land of Ramchandra Sonandkar. It is mentioned in the FIR that a quarrel was going on between applicants' family and his brother Ramchandra Sonandkar's family near the common well. It is further mentioned that when the police tried to intervene, the applicants pushed them and told them not to interfere in their private dispute. The applicant no.1 also insisted that he may not allow his brother to carry on the work of cutting of sugarcane. He also resisted to give water from the common well. On these allegations the FIR was lodged under the aforesaid sections.

4. Heard Mr. Chandrakant P. Yadav for Applicants and Ms.Sharmila S. Kaushik, APP for State.

5. Ld. Counsel for the Applicants pointed out the order passed by a competent Civil Court in the injunction application made in the civil suit. The civil suit was filed by Ramchandra Sonandkar against the present applicant no.1 for partition of their property. The suit was filed in the Court of Civil Judge Junior Division, Miraj vide regular Civil Suit No.157 of 2013. Vide order dtd. 08.01.2019 passed below Exh.84, the Ld. Civil Judge, by an interim order enjoined the applicants from interfering with the brother Ramchandra's right to take water from their common well. By the operative part no.3, the Ld. Judge rejected Ramchandra's prayer for injunction against applicant no.1 from interfering with common use of the suit property. In view of the order passed by the competent court, the applicant no.1's brother Ramchandra had no business to ask for police protection and police had no business to grant police protection contrary to the order passed by the Civil Court. In any case from the contents of the FIR, the incident appears to be a trivial incident and the applicant no.1 was well within his right to point out the orders passed by the Civil Court and protect his right. The FIR is lodged by a police officer. The important witnesses are from the police party, therefore there is no question of possibility of tampering with the

evidence. Taking all these circumstances into account, no case is made out for custodial interrogation of the applicants. Hence, the following order.

ORDER

In the event of their arrest in connection with C.R.No.160 of 2019 registered with Miraj Rural Police Station, District Sangli, the Applicant Nos.1 and 2 be released on bail on their executing P.R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.

(SARANG V. KOTWAL, J.)