

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1257 OF 2019

Bhausahab Sukdev Thombre] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. A.K. Bhosale, Advocate for the Applicant.

Mr. Rajan Salvi, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 13 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.I-73/2019 registered with Yeola Taluka Police Station, District Nashik u/sec. 353, 332, 143, 147, 148, 149, 323, 504 and 506 of I.P.C., under Sections 131, 132 of the Representation of People Act, 1951 and under Section 37 (1) (3), 135 of the Maharashtra Police Act.

2. The FIR is lodged on 29/04/2019 by Police Constable Rajendra Kedare who was attached to Yeola Taluka Police Station. In his FIR he has mentioned that he was on patrolling duty when the elections

were held in that area. At about 6.30 p.m., the police party was informed that there was a crowd at Purangaon polling booth. Therefore, they reached there at around 6.55 p.m. The polling booth was in a Zilla Parishad School. At that time, the present applicant, in a drunken condition was creating trouble. He was boasting that he was Sarpanch and he wanted to take photographs of the EVM machines. His other associates joined him and pelted stones and bricks at the police party. The present applicant tore the name strip on the uniform of PSI Jarwal. Based on these allegations, the FIR is lodged.

3. Heard Mr. A.K. Bhosale, Ld. Counsel for the Applicant and Mr. Rajan Salvi, Ld. APP for the State/Respondent.

4. Mr. A.K. Bhosale, Ld. Counsel for the Applicant submitted that the applicant was falsely implicated because of political rivalry at the instance of his opponents. He submitted that his custodial interrogation is not required as nothing is to be recovered from him.

5. Mr.Rajan Salvi, Ld. APP submitted that the offence is serious and the applicant does not deserve to be granted anticipatory bail.

6. Considering the allegations in the FIR, it is clear that, the applicant and his associates prevented the police officers from performing their public duty. They unnecessarily created trouble at the polling booth. The police officers were assaulted and one police officer's uniform was torn. Considering all this serious allegations, if the applicant is granted anticipatory bail, wrong signal will be given and these incidents would increase. Looking at the gravity of the allegations, the applicant does not deserve the grant of anticipatory bail. The conspiracy and preparation to commit this offence can only be found during applicant's custodial interrogation. Hence, I am not inclined to grant anticipatory bail to the applicant. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)