

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

CRIMINAL BAIL APPLICATION NO.2057 OF 2019

Vaibhav Sadanand Khedekar & Anr. Applicants

versus

The State of Maharashtra Respondent

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- Mr.A.P. Mundargi, Senior Advocate i/b. Ditendra Mishra, Advocate for Applicant.
- Mr.Prashant Jadhav, APP for the State/Respondent.
- PSI Samad Abbas Beg, Khed Police Station, present.

CORAM : SARANG V. KOTWAL, J.

DATE : 05th AUGUST, 2019

P.C. :

1. The Applicants are seeking their release on bail in connection with C.R.No.183/19 registered with Khed Police Station, Ratnagiri, under sections 353, 342, 504, 506, 186 r/w 34 of the Indian Penal Code.

2. The Applicant No.1 is the president of Municipal Council of Khed Municipal Council. The Applicant No.2 is his

party worker. The FIR is lodged by Sub-Divisional Engineer Prakash Punjram Gaikwad. He was working in his office at Navenagar, Mahad, Raigad. He was working as a Nodal Officer of Mumbai Goa National Highway. He was looking after the work of widening the highway to make it four lane highway. On 29/06/2019 there was a 'Rasta Roko Agitation' arranged by the local MLA and present Applicant No.1. The first informant had gone to the place of agitation at about 05.00 p.m. He was accompanied by his Junior Engineer Mr.Amol Madkar and Executive Engineer Mr.R.K. Bamne. They listened to the grievance of the agitators. Thereafter the first informant and his other engineers were intercepted on the bridge of 'Jagbudi' River. At that time, the Applicant No.1 called the informant and Mr.Bamne on the bridge. While they were discussing the issues with agitators, the informant and Executive Engineer Bamne were encircled. The agitators tried to tie them to the railing. At that time, the police rescued them. Thereafter this FIR was lodged.

3. Heard learned Senior Counsel Mr.A.P. Mundargi, for the Applicant and learned APP Mr.Prashant Jadhav for the State.
4. Mr.Mundargi submitted that the Applicants were arrested on 09/07/2019. They were in police custody for two days. Thereafter they were transferred to magisterial custody. As on today both these Applicants are in magisterial custody. Charge-sheet is not filed. Investigation in respect of the roles of the Applicants is over. It is evident from the fact that today they are in magisterial custody. Mr.Mundargi submitted that their custody would not serve any further purpose.
5. As against these submissions, learned APP Mr.Prashant Jadhav submitted that the manner in which, the offence is committed, does not entitle the Applicant to be released on bail. The informant and his team were doing their job and the agitators could have behaved in a responsible manner. Instead of that, the informant and his team was encircled and threatened. The informant and Bamne were tied to railing. The

episode is captured in a video shooting. He therefore submitted that the bail should not be granted to the Applicants.

6. I have considered these submissions. Undoubtedly, the Applicants had acted in a very irresponsible manner. Though, the Applicant No.1 is the President of Municipal Council, he not only exceeded his limit, but had interfered with the work of public servants. The Applicants will undoubtedly face the trial for this. The only question before me today is whether the continuation of magisterial custody of the Applicants is necessary.

7. Learned APP Mr.Jadhav pointed out that there were 15 cases forming antecedents against the Applicant No.1 and four cases against the Applicant No.2 in the past. Mr.Mundargi submitted that most of the cases have resulted in acquittal. As on today, only two cases are pending against the Applicant No.1 and only one case is pending against the Applicant No.2. All these pending cases are in respect of minor incidents and therefore these incidents should not come in way of their release on bail.

8. I have considered these submissions as well. Though I agree with Mr.Jadhav that the Applicants have crossed the limits and did not agitate in a peaceful manner, but still their continued detention during pendency of the trial will not serve any purpose. Instead, some stringent conditions can be imposed on them so that these offences are not repeated and the Applicants will face the trial without interfering with the evidence. Hence, the following order :

ORDER

- (i) The Applicants are directed to be released on bail in connection with C.R.No.183/19 registered with Khed Police Station, Ratnagiri, 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) The Applicants shall attend the concerned Police Station on every Sunday between 03.00 to 04.00 p.m. till conclusion of the trial.

- (iii) The Applicants shall not indulge in similar activities.
- (iv) If the Applicants are found to be involved in a similar offence in future, the State of Maharashtra is at liberty to make an application for cancellation of bail granted pursuant to this order.
- (v) The Applicants shall not influence the witnesses in any manner and shall not tamper with the evidence.
- (vi) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)