

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Criminal Application (ABA) No.385 of 2019
(Krupalsingh Dayalsing Tighre .vs. State of Maharashtra through PSO PS
Dhamangaon Badhe, Dist. Buldhana)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders or directions
 and Registrar's orders

Court's or Judge's orders.

Mrs. P. S. Chaudhari, Advocate for Applicant
 Mr. J.Y. Ghurde, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 24, 2019.

The applicant herein has approached this Court apprehending arrest in connection with FIR dated 04.06.2019 registered against him for alleged offences under Sections 186, 332, 353, 504 and 506 of the Indian Penal Code. The allegation against the applicant is that he had assaulted the complainant who is a Senior Technician with the Maharashtra State Electricity Distribution Company Ltd. who was performing his official duty at the time of the incident.

2. While granting ad-interim protection to the applicant by order dated 20.06.2019, this Court had observed as follows:-

"4. The applicant herein has approached this Court seeking anticipatory bail as offences under Sections 186, 332, 353, 504 and 506 of the I.P.C. have been registered against him as per FIR dated 04.06.2019. It is the case of the complainant that he being a Senior Engineer of Maharashtra State Electricity Distribution Company

Ltd., was performing official duty in the process of restoring electric supply in the village, when the applicant approached him and threatened him with dire consequences including taking his life if the complainant was seen the next time coming for repairs and restoring electric supply. It was also claimed by the complainant that the applicant then beat him with fists and slaps, thereby committing the aforesaid offences.

5. *The learned counsel for the applicant submits that the complaint appears to be motivated due to previous enmity between the parties as they have been neighbours and there had been dispute between them with regard to supply of water from a bore-well. It is also submitted that the applicant does not have an electric water pump and, therefore, the genesis of the incident as claimed by the complainant is rendered doubtful. It is also stated that the applicant is working as a Senior Clerk in a Higher Secondary School.*

6. *Considering the aforesaid circumstances, a case for grant of ad-interim protection is made out. Hence, in the event the applicant is arrested in Crime No. 121 of 2019 registered in Police Station Dhamangaon Badhe, district Buldhana, he shall be released on bail on furnishing P.R. bond of Rs.20,000/- (Rs. Twenty Thousand) and a surety of like amount. The applicant is directed to report to the said Police Station once a week i.e. on Sunday between 10 a.m. and 5 p.m. during the pendency of the present application and he is further directed not to tamper with the evidence or influence the witnesses."*

3. In the reply filed on behalf of the non-applicant/State, other than stating that there is possibility of the applicant threatening witnesses, there appears to be no reason pointed out seeking custody of the applicant.

4. As noted by this Court in the order dated 20.06.2019, the applicant is working as a Senior Clerk in a Higher Secondary School and he being taken into custody may have an adverse effect on his service career. Considering these facts and as long as the applicant is cooperating with the investigation, this Court is of the opinion that the present application deserves to be allowed.

5. Accordingly, the application is allowed and the ad-interim protection granted by order dated 20.06.2019 is confirmed on the conditions that were noted in the said order. Accordingly, the applicant shall continue to attend the Police Station as directed, till filing of the charge-sheet.

JUDGE

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