

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

Criminal Application (ABA) No.429 of 2019

Sunil s/o Ramrao More

Vs.

State of Maharashtra through P.S. Khamgaon Rural, Distt. Buldhana.

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

Court's or Judge's orders

Mr. S.A.Mohta, Advocate for the applicant
Mr.H.R.Dhumale, APP for the non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 7, 2019

The applicant herein has approached this Court apprehending arrest in connection with FIR dated 14.6.2019 registered against him and one more co-accused person for offences under Sections 353 and 332 read with Section 34 of the Indian Penal Code. It is alleged that when the complainant had visited the spot in question on information that gambling was being indulged at the said place, while the complainant was in the process of arresting the co-accused persons, the applicant intervened and prevented the complainant from performing his official duty and used force against the complainant.

2. While issuing notice by order dated 4.7.2019, this Court granted ad-interim protection to the applicant. The relevant observations in the order

dated 4.7.2019 read as follows:

“The applicant herein has approached this Court apprehending his arrest in connection with FIR dated 14/06/2019, registered against him and another accused for alleged offences under Sections 353 and 332 R/w 34 of the Indian Penal Code.

It is pointed out by the learned counsel for the applicant that even if the allegations stated in the FIR are taken to be correct for the sake of argument, the role attributed to the applicant is that he allegedly came at the spot where the police officers had conducted a raid to prevent the crime of gambling and that he had shouted and quarreled with the police personnel. It is also pointed out that the main accused against whom the allegation is of indulging in gambling, has been already released on bail.

Considering the aforesaid facts, a case for grant of ad-interim protection is made out. Hence, in the event, the applicant is arrested in Crime No. 158 of 2019, registered in Police Station Khamgaon Rural Dist. Buldhana, he shall be released on PR bond of Rs.15,000/- and surety in like amount. The applicant shall co-operate with the investigation and make himself available before the Investigating Officer as and when required”.

3. In response to the notice issued by this Court, reply was filed by the non-applicant-State. There is no mention of any criminal antecedents of the applicant. All that is stated in the reply is that while obstructing the complainant from performing his official duty, the applicant had pushed the complainant thereby using force against him. It is also undisputed that the co-accused was arrested and he has been released on regular bail by order dated 21.6.2019 passed by the Sessions Court.

4. Considering the nature of the allegations made against the applicant and in view of the fact that there is no complaint about the applicant having not abided by the conditions imposed by this Court while granting ad-interim protection, the present application deserves to be allowed.

5. Accordingly, the application is allowed and the applicant is granted anticipatory bail by confirming the ad-interim protection granted by order dated 4.7.2019, passed by this court. Needless to say that the applicant shall continue to cooperate with the investigation and make himself available before the Investigating Officer as and when required. The applicant shall not tamper with the evidence or influence the witnesses.

JUDGE