

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1100 OF 2020

- 1 Menaji Sadashiv Kamore,  
Age 47 yrs., Occ. Agri.,  
R/o At Kinhola, Post Kautha,  
Tq. Basmath, Dist. Hingoli.
- 2 Amit Menaji Kamore,  
Age 25 yrs., Occ. Agri.,  
R/o At Kinhola, Post Kautha,  
Tq. Basmath, Dist. Hingoli.

... Applicants

... **Versus** ...

The State of Maharashtra

... Respondent

...

Mr. D.M. Shinde, Advocate for applicants

Mrs. R.P. Gaur, APP for respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 08<sup>th</sup> DECEMBER, 2020

**ORDER :**

1           The applicants have filed this application for anticipatory bail as they are apprehending their arrest in connection with Crime No.165/2020 registered with Basmatnagar Rural Police Station, Dist. Hingoli for the

offence punishable under Section 353, 294, 323 read with Section 34 of the Indian Penal Code. After the disinclination is shown to grant any relief to applicant No.1 viz. Menaji Sadashiv Kamore, the learned Advocate for the applicants, on instructions, seeks withdrawal of the application as against applicant No.1. His prayer deserves to be granted.

2            Heard learned Advocate Mr. D.M. Shinde for applicants and learned APP Mrs. R.P. Gaur for respondent/State. In short, it can be said that both the sides have made submissions in support of their respective contentions.

3            Perusal of the First Information Report would show that the FIR has been lodged by the employee of Maharashtra State Electricity Distribution Company Limited. The informant was on duty on 28.10.2020 at about 8.00 a.m. Thereafter, along with other employees he went to village Kinhola on raid, where people were stealing electricity by putting hook on the electricity wires. At about 9.25 a.m. when the work of seizure of the wire was going on, the applicants went and applicant No.1 started saying that the squad should restore the hook as it is. He gave threat to cut hands and legs. Informant stated that let him take out the hooks from the entire village and then he would hear what the applicant No.1 is saying. Thereafter, applicant No.1 abused him in filthy. At that time, the applicant No.2 came and he had

also abused and manhandled the informant, thereby the informant was obstructed from discharging his duty.

4           After taking note of the story put forward in the FIR it can be seen that the role, that is attributed to the applicant No.2 is the abuse, manhandling, and therefore, his physical custody is not required for the purpose of investigation. The application, therefore, deserves to be allowed. Hence, following order.

### **ORDER**

1           Application stands disposed of as withdrawn as against applicant No.1 viz. Menaji Sadashiv Kamore.

2           Application stands allowed in respect of applicant No.2 Amit Menaji Kamore.

3           The order passed by learned Additional Sessions Judge, Basmathnagar in Criminal Bail Application No.254/2020 dated 09.11.2020 is hereby set aside to the extent of applicant No.2. Said application stands allowed in respect of applicant No.2.

4           In the event of arrest of the applicant No.2, in connection with Crime No.165/2020 dated 28.10.2020 registered with Basmathnagar Rural

Police Station, Dist. Hingoli for the offence punishable under Section 353, 294, 323 read with Section 34 of the Indian Penal Code, he be released on PR. of Rs.15,000/-.

5           The applicant No.2 shall not indulge in any criminal activity nor he should tamper with the prosecution evidence, in any manner and cooperate with the investigation.

( Smt. Vibha Kankanwadi, J. )

agd