

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

CRIMINAL APPLICATION (ABA) 73 OF 2020

(Dnyaneshwar Gajanan Shewate..vs.. State, thr PSO, PS, Hiwarkhed, Tq. Khamgaon)

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

Court's or Judge's orders.

Shri R.D. Karode, counsel for applicant.
Shri V.A.Thakare, Addl. Public Prosecutor for non-applicant.

CORAM: ROHIT B. DEO, J.

DATE: 17th FEBRUARY, 2020.

The applicant, who is apprehending arrest in Crime 309/2019 registered with Police Station Hiwarkhed, Tal. Khamgaon, Dist. Buldhana for offence punishable under sections 353, 332, 323, 294, 506 of the Indian Penal Code.

2. The gist of the report is that when the officer visited residential house of Shri Gajanan Shewale, the father of the applicant, the present applicant threatened the officer and assaulted the informant engineer by plastic pipe.

3. The learned counsel submits that there is no injury suffered, that the plastic pipe is recovered, and that the applicant has attended the Police Station and has cooperated with the Investigating Officer.

4. Ordinarily, this Court would have exercised discretion in favour of the applicant, but for the fact, that the applicant appears to be habituated to threatening the officers of the Maharashtra State Electricity Distribution

Company Limited (MSEDCL) and as is apparent from the previous police report dated 21.2.2019, which then was treated as non-cognizable. That custodial interrogation is not necessary or that there is no recovery to be done, are not the only considerations for exercising the discretion. It would be difficult for public officers to discharge their duty if they are brazenly assaulted. If the applicant is granted anticipatory bail, the message which would go is that the public officers can be abused and assaulted with impunity secure in the knowledge that anticipatory bail will be granted.

5. The other submission is that the mother of the applicant also lodged a report in which she has accused the informant and other officers of MSEDCL of abusing her. It is obvious that said report is lodged as a counterblast. It is only after the officers lodged the report pursuant to which offences were registered against the applicant that the applicant's mother appears to have lodged a counter report.

6. The application is rejected.

7. Needless to say, the interim order stands vacated.

Judge