

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

924 ANTICIPATORY BAIL APPLICATION NO.42 OF 2021

Raju s/o Husen Patel (Applicant No.2),
Age 28 years, Occ. Labour,
R/o. At Post Sajapur,
Tq. & Dist. Aurangabad. ...Applicant

Versus

The State of Maharashtra, ...Respondent

...
Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondent-State : Mr. V.M. Kagne
...

CORAM : MANGESH S. PATIL, J.

DATE : 26 FEBRUARY 2021

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure, as the applicant is apprehending his arrest in connection with Crime No.0223/2020 registered with Daulatabad Police Station, Aurangabad for the offences punishable under Section 307, 353, 328, 188, 273, 279, 427 read with 34 of the Indian Penal Code.

2. The application to the extent of applicant No.1 was already dismissed by the order dated 9.02.2021 and the applicant No.2 was granted ad-interim anticipatory bail in the very same order.

3. I have heard both the sides.

4. It is being alleged that on a secret information received, that a truck allegedly transporting gutkha was intercepted by a police party. It is alleged that the applicant No.1 and couple of other persons

including the applicant No.2 arrived at the scene in the Car belonging to the later. They question the police party of their right to intercept the truck. Applicant No.1 is stated to have instigated the truck driver to leave the spot and even if necessary to run over police party and accordingly they allowed the truck to flee from spot and subsequently even the applicants left the spot in the car belonging to the applicant no.2.

5. After having heard both the sides and perusing the papers of the investigation, no specific overt act is attributed to the applicant No.2 except the fact that the Car bearing No. MH-46 CX 4041 in which the applicants had arrived at the scene, belongs to him and he was travelling in it. Obstruction to the police party and instigation to the driver of the truck to run over them are against the applicant No. 1, whose application has been already rejected. There are no allegations against the applicant No.2.

6. It is also informed by the learned APP that post grant of ad-interim anticipatory bail the applicant No.2 has produced his Car allegedly used in the offence.

7. Considering such state of affairs, the ad-interim relief deserves to be confirmed.

8. The application is allowed and the ad-interim relief granted by this Court by the order dated 09.02.2021 stands confirmed with the same terms and conditions.

(MANGESH S. PATIL, J.)

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