

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

905 ANTICIPATORY BAIL APPLICATION NO.68 OF 2021

**QUAZI SHAHEBAZ S/O. NAWABODDIN INAMDAR
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Salunke Sudarshan J.
APP for Respondent : Mr. V. M. Kagne.

**CORAM : MANGESH S. PATIL, J.
DATE : 02.02.2021.**

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure as the applicant is apprehending that he would be arrested in Crime No. 409/2020, registered with Beed (Rural) Police Station, for the offences punishable under Sections 353, 504, 506 read with Section 34 of the Indian Penal Code.

2. The F.I.R. has been lodged by an employee of R.T.O. Office Beed alleging that on 30.12.2020 in the morning hours when he was discharging his duty in the Office one Sarafraj Sikandar Kazi approached him and started questioning as to if he had examined the papers tendered to him. The informant told him that since the R.T.O. Officer was not there he could not get the work done. Thereupon Sarafraj abused him and started exchanging words. Another employee by name Vishakha Raut asked Sarafraj to go out. It is then alleged that after some time the applicant who was working as an agent in the Office entered into the Office and caught hold the informant with his collar and started questioning as to why he had abused his brother Sarafraj and even started assaulting him. Another lady staff member by name Dedwal caught hold the applicant whereupon he threatened the informant of dire consequences once he left the office.

Accordingly the F.I.R. was lodged at 18.35 p.m. of the same day and the crime was registered.

3. Learned advocate for the applicant would submit that the applicant is being falsely implicated. He had been to the office merely questioning the informant as to if the work was done. In spite of the fact that the papers were handed over to him about 10 days back there was no progress. There was no intention on the part of the applicant to cause any obstruction to the official work being discharged by the informant. There was delay of about 7 hours in lodging the F.I.R. The circumstances do not indicate that custodial interrogation of the applicant is necessary. He is ready to cooperate the Investigating Officer. There are no criminal antecedents and the application may be allowed.

4. Learned A.P.P. on the basis of the order passed by the learned Additional Sessions Judge Beed refusing anticipatory bail to the applicant, submits that at this juncture there is nothing to impute the informant with any ulterior motive in falsely implicating the applicant. His brother has been granted anticipatory bail by the Sessions Court. The applicant has already been convicted for a similar crime punishable under Section 353 of the Indian Penal Code which shows his tendency. Considering the offence punishable under Section 353 of the Indian Penal Code is now made triable by the Sessions Court being serious in the nature, custodial interrogation of the applicant is necessary and the discretion may not be exercised in his favour.

5. After having heard both the sides and perusing the record it is quite apparent that the informant has specifically attributed the assault to the applicant while he was discharging his official duties. He has also referred to the role played by the witnesses who are his colleagues from the office. As is noted by the learned Additional Sessions Judge the applicant seems to have already been convicted for a similar offence punishable under Section

353 of the Indian Penal Code albeit the learned advocate for the applicant submits that he has already preferred an appeal against the conviction. The fact remains that there are criminal antecedents showing tendency of the applicant.

6. Going by the allegations in the F.I.R. coupled with the observations made by the learned Additional Sessions Judge, in my considered view the applicant is not entitled to anticipatory bail.

7. The Application is rejected.

(MANGESH S. PATIL, J.)

mkd/-