

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.124 OF 2021

Amol s/o Subhash Rathod

... Applicant

Versus

The State of Maharashtra

... Respondent

.....
Mr. S. S. Shinde, Advocate for the applicant.

Mr. A. M. Phule, APP for respondent – State.

.....

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 16th February, 2021

ORDER :-

. Present applicant has been arrested in connection with Crime No.352 of 2020 dated 20.05.2020 registered with Renapur Police Station, District Latur for the offences punishable under Sections 353, 332, 323, 504, 506 read with 34 of Indian Penal Code. Present application has been filed for bail under Section 439 of the Code of Criminal Procedure. The applicant was arrested on 06.01.2021.

2. Heard learned Advocate Mr. S. S. Shinde for the applicant and learned APP Mr. A. M. Phule for respondent – State. In order to cut short it can be said that both of them have made submissions in support

of their respective contentions.

3. It is to be noted that the FIR has been lodged by one Balasaheb Vishvambhar Gavhane, who is serving as a Health Worker with Health Center, Jawalga, Renapur. It is to be noted that the said offence is stated to have been committed during the pandemic situation when the strict lock-down was declared. The informant states that he was on duty on 19.05.2020 at about 7.30 p.m.. He along with another lady health servant/worker Shobha Yelgate, were checking those persons who had come from outside the village. It was informed to the center that one Renuka Ganesh Sharma has come from Manwat, District Parbhani and, therefore, the informant and Shobha Yelgate had gone to medically check the said lady. At that time, present applicant went there and asked as to why they are checking that lady, when somebody else had come from AUSA, they should also be checked. The applicant had caught hold of the collar of the informant. Two more persons came and asked the informant to behave in the same way, the applicant was directing. They had misbehaved with Shobha Yelgate also. They were separated by Anganwadi worker. Thereafter, the informant and Shobha Yelgate went to Renapur Police Station. They were referred to Government Hospital for checking and after they were checked, he has lodged the report.

4. It can be seen that when the health workers were doing their duty in lock-down period at the cost of their health, then such incident should not have taken place, when according to the informant they had gone to check the lady who had come from outside the district. At that time, there were restrictions on travelling between even two adjoining districts. However, at the same time, we are also required to consider the sentiments of the people. People were also suffering because of the lock-down financially and physically. Now, the substantial part of the investigation appears to be over and since January, 2021, the applicant is in jail for the alleged act done by him, his further physical custody is not required and, therefore, he deserves to be released on bail. Hence, the following order :-

ORDER

- 1) Application stands allowed.
- 2) The applicant – Amol Subhash Rathod, who has been arrested in connection with Crime No.352 of 2020 registered with Renapur Police Station, District Latur for the offences punishable under Sections 353, 332, 323, 504, 506 read with 34 of Indian Penal Code, be released on P. R. and S. B. of Rs.15,000/-.

- 3) The applicant shall not tamper with the evidence of the prosecution in any manner.
- 4) He shall not indulge in any criminal activity.
- 5) Bail before Trial Court.

[SMT. VIBHA KANKANWADI, J.]

scm