

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

ANTICIPATORY BAIL APPLICATION NO. 149 OF 2021

1. Tanaji Dnyanoba Mule
 2. Amol Vitthal Mule
- ... Applicants

Versus

The State of Maharashtra

... Respondents

....

Mr. S. S. Panale, Advocate for the applicants

Mr. V. S. Badakh, APP for the respondent-State

....

CORAM : R. G. AVACHAT, J.

DATED : 19th MARCH, 2021

PER COURT :-

1. This is an application for bail under Section 438 of the Code of Criminal Procedure. The applicants claim to have an apprehension of being arrested in connection with Crime No.036/2021, registered at Udgir Rural Police Station, District Latur, for the offences punishable under Sections 353, 332, 337, 188 read with Section 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report (FIR).

The FIR has been lodged by a Police Constable, working

with Udgir (Rural) Police Station. It has been alleged in the FIR that on 15.01.2021, there were general elections for village panchayats. The informant was deputed for bandobast duty first at Nideban polling centre. By 12.00 noon, the informant and other police staff were deputed at Dawangaon polling booth. The District Magistrate had promulgated the order prohibiting assembling of more than five persons within the range of 200 meters from the polling booth. The informant and other police staff were therefore engaged in clearing the said area. They were asking the persons gathered there to leave the place. Two of them (applicants), questioned him. The applicant No.1 caught-hold of his collar and pushed him back. As a result, the informant fell. The applicant No.2 picked up a stone and assaulted on the head of the informant therewith. The informant suffered bleeding injury. The FIR therefore came to be lodged.

3. Learned Advocate for the applicants came around to withdraw the application so far as regards applicant No.2 is concerned. The application, therefore, stands disposed of as withdrawn.

So far as regards applicant No.1 is concerned, learned Advocate would submit that his custodial interrogation is not

required. No intentional overt-act has been attributed to the applicant. He, therefore, urged for grant of the application.

4. Learned APP would on the other hand submit that the applicant has no regard for law. He assaulted the police officer engaged in discharging of his official duties. He, therefore, urged for rejection of the application.

5. From the allegations in the FIR, it appears that the applicant pushed the informant back. It is however not clear as to whether due to the said push the informant fell to the ground. He might have stumbled. Be that as it may, no further overt act has been attributed to the applicant No.1. He is very much available for the investigation of the crime and consequential trial. His custodial interrogation is not warranted. I am, therefore, inclined to grant him anticipatory bail. Hence, following order:

ORDER

- (i) The application of applicant No.1 is allowed.
- (ii) In the event of arrest of the applicant No.1 in connection with Crime No.036/2021, registered at Udgir Rural Police

Station, District Latur, for the offences punishable under Sections 353, 332, 337, 188 read with Section 34 of the Indian Penal Code, the applicant No.1 be released on bail on his executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

- (iii) The applicant No.1 shall appear before the investigating officer as and when required.
- (iv) The applicant No.1 shall not tamper with the prosecution evidence in any manner.

[R. G. AVACHAT, J.]

SMS