

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

ANTICIPATORY BAIL APPLICATION NO. 213 OF 2021

1. Ramakant Jalindar Ingle
 2. Arun Vitthalrao Borde
- ... Applicants

Versus

The State of Maharashtra

... Respondent

....

Mr. A. K. Bhosale, Advocate for the applicants
Mr. V. M. Kagne, APP for the respondent-State

....

CORAM : R. G. AVACHAT, J.

DATED : 17th 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.0023/2021 registered at Vedant Nagar police Station, District Aurangabad, for the offences punishable under Sections 143, 149, 353, 504, 506 and 34 of Indian Penal Code.

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

The FIR has been lodged by the Police Sub-Inspector (PSI) (the informant), working with Vedant Nagar Police Station, Aurangabad. It is alleged in the FIR that the informant was entrusted with the investigation of the crime, being C.R. No.19/2021, registered for the offences punishable under Sections 307, 143, 147, 148 and 149 of the Indian Penal Code. During the investigation of the said crime, involvement of some other accused other than named in the FIR, was revealed. The informant had learnt that the accused Shubham Borde, Sai Tribhuvan and their associates were to come at Krantinagar. The informant along with two Constables went to Krantinagar area by 12.45 noon. The informant had received description of the accused persons. Two persons matching with the description of the accused persons were present there. In inquiry, they disclosed their identity as Shubham Borde and Ramakant Ingle. The informant and his associates overpowered Shubham. Ramakant Ingle (applicant No.1) made efforts to release Shubham from the custody of Constable Mangesh Sangale. Arun Borde (applicant No.2) came forward and questioned the informant as to why Shubham was being taken to police station. He helped Shubham flee away from the spot. Meanwhile, residents of Krantinagar area gathered there. Both the applicants threatened the informant of lodging false

complaint against them under the Atrocity Act. The persons gathered there at the instance of the applicants asked the informant not to take away Shubham Borde to the police station unless they are armed with a warrant for his arrest. The persons gathered at the instance of the applicant Arun, were not in a listening mood.

3. Shri A. K. Bhosale, learned Advocate for the applicants would submit that the FIR has been lodged by the police officer. The allegations therein need to be tested with a pinch of salt. According to the learned Advocate, no custodial interrogation is required of the applicants. The applicants are not involved in C.R.No.19/2021. The applicants are ready to co-operate with the investigation.

4. Learned APP would, on the other hand, submit that the applicants have obstructed the informant in discharging of his official duties. At the instance of the applicants, the accused Shubham Borde could flee from the spot. He, therefore, urged for rejection of the application.

5. The applicants allegedly obstructed the informant and his staff in apprehending wanted accused Shubham Borde. From the allegations in the FIR, it is not clear whether Shubham fled from the

custody of the police officers at the behest of the applicants. Since in the last but one paragraph of the FIR, it has been averred that the persons gathered there, asked the informant that they will not allow him to take Shubham to the police station unless they were armed with a Court's order for his arrest. From the allegations in the FIR, it is crystal clear that custodial interrogation of the applicants is not warranted. They are the permanent resident of Aurangabad. There is no likelihood of they being not available for trial. In the fitness of things, I am inclined to grant them anticipatory bail. Hence, following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.0023/2021 registered at Vedant Nagar police Station, District Aurangabad, for the offences punishable under Sections 143, 149, 353, 504, 506 and 34 of Indian Penal Code, the applicants be released on executing P. R. bond each in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) each with surety in the like amount.

- (iii) The applicants shall appear before the investigating officer as and when required.
- (iv) The applicants shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS