

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 278 OF 2021

Sham s/o Rambhau Bhosle ...Applicant

Versus

The State of Maharashtra ...Respondent

...

AND

ANTICIPATORY BAIL APPLICATION NO. 255 OF 2021

Mahesh s/o Vishnupant Deshmukh ...Applicant

Versus

The State of Maharashtra ...Respondent

...

AND

ANTICIPATORY BAIL APPLICATION NO. 226 OF 2021

Pankaj Avinash More ...Applicant

Versus

The State of Maharashtra ...Respondent

...

Advocate for the Applicants : Mr. S. J. Salunke

(in ABA Nos.278/2021 and 255/2021

Mr. S. G. Kawade (in ABA No. 226/2021)

APP for the Respondent – State : Mr. S. B. Narwade

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CORAM : PRAKASH D. NAIK, J.

DATE : 08th OCTOBER, 2021

PER COURT :-

1. The applicants in all these applications are apprehending arrest in C.R. No.19/2021 registered with Ambajogai (Rural)

Police Station District Beed for the offences punishable under Sections 353, 332, 323, 504, 506, 143, 149 of the Indian Penal Code, Section 85(1) of the Maharashtra Prohibition Act, 1949 and Section 33(w) of Maharashtra Police Act.

2. The case of the prosecution is that the applicants had obstructed public servants from discharging their duties and used criminal force against them. The public servants were discharging their duties during the pandemic time.

3. The applicants were granted interim protection by this Court vide order dated 24.03.2021. In paragraph 4 of the said order it was observed that the physical custody of the applicants may not be required and it is not necessary to send them to police custody. While granting interim protection the applicants were directed to deposit amount of Rs. 10,000/- each with the High Court Legal Services Sub-Committee, Aurangabad as costs within two days. They were also directed to remain present before the Investigating Officer daily between 10.00 a.m. to 12.00 p.m. till further orders.

4. It is submitted that the direction to deposit the amount of Rs. 10,000/- each has been complied by depositing the amount. Office note indicate that the amount has been

deposited. Learned counsel for the applicants submitted that the applicants have appeared before the Investigating Officer about 29 days. Affidavit about attendance has been filed.

5. Learned APP submitted that in accordance with the interim order passed by this Court applicants were supposed to remain present before the Investigating Officer daily in between 10.00 a.m. to 12.00 p.m. till further orders. The applicants had appeared till returnable date and thereafter they did not appear. It is further submitted that the applicants are having criminal antecedents. Applicant Sham Bhosle is involved in C. R. No. 69/2016 for offences under Sections 353, 332 and C.R. No.40/2016 for offences under Section 327, 323 IPC. The applicant Mahesh Deshmukh is involved in C.R.No.62/2019 for offences under Sections 307, 324, 143, 147, 148, 149, 504, 506 of the IPC and applicant Pankaj More is involved in C.R.No. 23/2010 for offences under Sections 353, 332, 143 IPC. Learned APP submits that there is corresponding injuries to the overt act attributed to the applicants in the present case.

6. In rejoinder, learned counsel for the applicants submitted that as far as C.R. No. 69/2016 registered against Sham Bhosle is concerned, his father had made grievances with the

concerned department for not supplying the documents as requested by him. As far as C.R.No.62/2019 registered against Mahesh Deshmukh is concerned, complaint was lodged from the side of the accused being prior in point of time which has been considered by the learned Additional Sessions Judge while granting bail to him by observing that possibility of false implication cannot be ruled out. As far as C.R.No.23/2010 is concerned learned counsel for the applicant submitted that the applicant was falsely implicated he was granted anticipatory bail. The said application for bail the case was registered in the year 2010.

7. On perusal of the interim order dated 24.03.2021 it is apparent that this Court has observed that the custodial interrogation of the applicants is not necessary and for the alleged act committed by them they were directed to deposit costs of Rs. 10,000/- each. The direction has been complied. Although the applicants have not appeared before the Investigating Officer continuously till date, they have appeared on several occasions and if their presence is required, they can be directed to appear before the Investigating Officer.

8. In view of the aforesaid facts and circumstances the interim protection granted by this Court can be confirmed.

ORDER

1. Anticipatory Bail Application Nos. 226/2021, 278/2021 and 255/2021 are allowed.
2. Interim order dated 24.03.2021 is confirmed.
3. In the event of arrest of the applicants in C.R. No.19/2021 registered with Ambajogai (Rural) Police Station, the applicants be released on bail on executing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) each with one or more sureties in the like amount.
4. The applicants shall appear before the Investigating Officer as and when called for.
5. The applicant shall not indulge in similar offence in future.
6. Applications stand disposed of.

**(PRAKASH D. NAIK)
JUDGE**

shp/-