

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

10 ANTICIPATORY BAIL APPLICATION NO. 266 OF 2021

1. RAHUL ASHOK GAGARE
 2. INDUBAI W/O. ANNASAHEB VARPE
- VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr. S.S. Thombre.
APP for Respondent : Mr. S.W. Mundhe.

**CORAM : MANGESH S. PATIL, J.
DATED : 05.04.2021**

PER COURT :

This is an application under Section 438 of the Code of Criminal Procedure, as the applicants apprehend their arrest in connection with Crime No. 25/2021, registered with Ashvi Police Station, Tq. Sangamner, District Ahmednagar, for the offences punishable under Section 353, 332, 504, 506, 143, 149 and 109 of the Indian Penal Code .

2. After having heard both the sides, when this Court expressed its disinclination to grant anticipatory bail to applicant No. 1, learned Advocate Mr. Thombre, on instructions, seeks leave to withdraw the application to his extent. Consequently, the application is now being considered only to the extent of the applicant No. 2.

3. The FIR has been lodged by a Police Sub-Inspector alleging that he along with his team were deputed to maintain law and order during the election of *Upa-Sarpanch* of the village. It is alleged that the two factions disturbed the peace, pushed and pulled the police officers on an exhortation made by couple of persons named in the FIR. It is, therefore, alleged that the persons used criminal force against the public servants with an intention to prevent them from discharging duties.

4. As can be seen, though the name of the applicant No. 2 appears in the FIR, the source of knowledge has not been disclosed as to how the informant had identified her. Unlike the other accused, it does not mention about the Police Patil having identified her to the informant. Besides no specific and exclusive overt act is attributed to her of assaulting anybody. The allegations are vague and omnibus. Besides, the applicant is a lady. Since it was a case of breach of law and order by the two factions contesting the elections and taking into account the aforementioned facts and circumstances, the applicant No. 2 being a women deserves to be granted anticipatory bail.

5. The application is partly allowed. The ad interim relief granted by the order dated 19.03.2021, to the extent of applicant No. 2 stands

confirmed with the same terms and conditions.

6. Application to the extent of applicant No. 1 – Rahul is dismissed as withdrawn.

(MANGESH S. PATIL, J.)

S.P.C.