

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

13 ANTICIPATORY BAIL APPLICATION NO.297 OF 2021

**RAHUL RAOSAHEB SABALE
VERSUS
THE STATE OF MAHARASHTRA**

...
**Advocate for Applicant : Mr.R.N.Dhorde, Sr. Adv. i/b Dighe Pravin S
APP for Respondent: Shri S.W.Mundhe**

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

PC. :-

This is an application under Section 438 of the Cr.P.C. as the applicant is apprehending his arrest in connection with Crime No.175/2021 registered with Rahuri Police Station, District Ahmednagar for the offences punishable under Sections 379 and 430 of the I.P.C.

2] The allegations are to the effect that pursuant to an inquiry conducted by the informant who happens to be Gram Sevak of the concerned Gram Panchayat, it was revealed that the applicant had illegally obtained a direct connection from the main water supply pipeline of the village and had committed theft of water for number of years.

3] The learned Senior Advocate Mr.Dhorde for the applicant would submit that the offence punishable under Section 430 of the I.P.C. apart from the fact that it cannot be made out from the allegations is bailable one.

4] The learned Senior Advocate would further submit that the applicant

has been lawfully drawing the water by paying necessary water charges to the Gram Panchayat about which there are several receipts produced on the record. He would further point out that the applicant is being falsely implicated to settle a political score. He was duly elected as an Up-Sarpanch of the village in an election held on 9/2/2021. Prior thereto he was elected as a member on 4/1/2021. It is at the instance of the defeated candidates that the inquiry was initiated and he is now being falsely implicated. Nothing is to be recovered from or discovered by him. Whatever facts that were to be investigated have already been investigated and inquired into. His custodial interrogation is not necessary. He is ready to cooperate the Investigating Officer and the application may be allowed and the ad-interim relief may be confirmed.

5] The learned A.P.P. opposes the application. He submits that there is enough material to reveal that an illegal water connection was set up from the main water pipeline of the village to the property of the applicant. Even he admitted the fact that it was an illegal connection while submitting his explanation to the Gram Panchayat. The connection has subsequently been disconnected. For years together the applicant has received benefit and obtained water illegally. Since there is *prima facie* material to reveal his involvement in commission of the crime, he may not be granted anticipatory bail.

6] I have carefully considered the rival submissions and the papers of the investigation. It is a matter of record that it is pursuant to an inquiry that it was revealed that illegal connection of water was set up from the main water supply line of the village to the property of the applicant. The fact that the

connection was illegal also stands admitted by the applicant in his explanation submitted to the Gram Panchayat as can be seen from the letter addressed by the Administrator and Gram Sevak of the village to the Block Development Officer. It is pertinent to note that it is on his grievance that there was not enough pressure to the water that the connection was set up. Though he pointed out that it was illegal to set up such connection directly from the main line still, the Officers of the village Panchayat set up that connection in the year 1999.

7] This stand of the applicant *prima facie* corroborates the allegations about he having committed theft of water since the year 1999. If this is so, in my considered view, irrespective of the fact whether the criminal law was set in motion by some intending to settle political score, the applicant would not be entitled to anticipatory bail.

8] The application is rejected.

9] At this juncture, the learned Senior Advocate for the applicant would submit that since the applicant was already protected by way of ad-interim relief, the protection may be continued for a period of 3 weeks to enable him to approach the Apex Court.

10] Considering all the aforementioned facts and circumstances, ad-interim relief to continue for a period of 3 weeks.

[MANGESH S. PATIL, J.]