

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.308 OF 2021

1. Mohammed Feroz s/o Abdul Gaffar Chaudhari,
Age : 36 years, Occ.: Business,
2. Mohsin s/o Gaffar Chaudhari,
Age : 38 years, Occ :Business

Both R/o Shelhad Road, Khateeb
Colony, Udgir, Tq. Udgir, Dist.Latur. ... Applicants.

VERSUS

The State of Maharashtra
Through Udgir (Gramin) Police Station,
Tq. Udgir, Dist. : Latur. ... Respondent.

...

Advocate for the Applicant : Mr. G. R. Syed
APP for the Respondent – State : Mr. V. S. Badakh

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CORAM : V. G. BISHT, J.

DATE : 30th AUGUST, 2021

PER COURT :-

1. This is an application under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No.60 of 2021, registered with Udgir (Gramin) Police Station, Tq. Udgir, District Latur for the offences punishable under Sections 353, 332, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and Section 136 of the Indian Electricity Act.

2. It is the case of prosecution that on 08.02.2021 informant who is a lineman with MSEDCL had been to Haqnaqwadi and found one person manipulating the electric lines. The informant and others asked those persons, namely, applicants and one Faizal Choudhari not to do unauthorised work but, it is alleged, all of them beat informant and others by means of fist and kick blows and also abused.

3. Mr. G. R. Syed, learned counsel for the applicants, submits that the FIR is full of vague and discrepant allegations. There is nothing to be recovered from the applicants. So also no criminal antecedents are brought on record. In such circumstances, the application deserves to be allowed, urged learned counsel.

4. Mr. V. S. Badakh, learned APP, on the other hand, would submit that when the applicants were found manipulating the electric lines they were asked not to do so but not only they abused informant and others who were discharging their official duties, but also beat them by means of fist and kick blows. Thus, criminal force was used against the informant and other government officials while discharging their duties.

5. Reading of First information report would show that the applicants had allegedly used criminal force against the informant and others, who were discharging their public function. They were beaten by means of fist and kick blows. Having regard to the allegations, it is quite clear that there is nothing to be recovered at the instance of applicants and in such circumstances, their custody is not required for the purpose of investigation. This being so, I am inclined to allow the present application.

6. In view of above, I pass the following order :-

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of the applicants - (1) Mohammed Feroz s/o Abdul Gaffar Chaudhari and (2) Mohsin s/o Gaffar Chaudhari herein in connection with Crime No. 60 of 2021, registered with Udgir (Gramin) Police Station, Tq. Udgir, District Latur for the offences punishable under Sections 353, 332, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and Section 136 of the Indian Electricity Act, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.20,000/- [Rupees Twenty Thousand only] each, with one or two sureties in the like amount.
- (iii) Application is accordingly disposed off.

**(V. G. BISHT)
JUDGE**