

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 BAIL APPLICATION NO.351 OF 2021

BHIMRAO RAMRAO SUSLADE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Kale Kunal A.
APP for Respondent – State : Mr. N. T. Bhagat

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 27-04-2021

ORDER :-

. The applicant has been arrested on 28.02.2021 in connection with Crime No.919 of 2020 registered with Pathardi Police Station, Dist. Ahmednagar for the offences punishable under Sections 309, 353 of Indian Penal Code. He has filed present application for bail under Section 439 of the Code of Criminal Procedure.

2. Heard learned Advocate Mr. K. A. Kale for the applicant and learned APP Mr. N. T. Bhagat for the respondent – State. In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

3. Perusal of the FIR would show that it is lodged by Assistant Engineer Mayur Ramesh Jadhav attached to Pathardi Section of

MSEDCL. He states that there was a drive undertaken to curb the theft of electricity, recovery of outstanding amount and maintenance. He and his team had gone to village Mohari, Tq. Pathardi on 08.12.2020. They found that a cable has been illegally put to the overhead wire of MSEDCL and the electricity was being stolen for the connection in an iron shed. They made inquiry about the ownership of this shed. They came to know that it belongs to the present applicant. After drawing panchanama, they had cut the cable and seized it. Thereafter, on the same day at about 5.00 p.m., they found a person in front of their office and he was loudly saying that his cable should be returned and, thereafter, that person had consumed the medicine from the bottle which he was carrying. Inquiry was made and it was turned out to be the applicant and it was also learned that he has consumed some poisonous substance thereby he had tried to commit suicide and, therefore, the FIR came to be lodged. It appears from the remand report that was submitted to the learned Judicial Magistrate First Class, Pathardi that supplementary statement of the informant was thereafter recorded and then he has made certain improvements. Initially it appears that the offence was registered only under Section 309 of Indian Penal Code and on the basis of the supplementary statement, offence under Section 353 of Indian Penal Code has been added. Now, the

learned Advocate appearing for the applicant is strongly canvassing that the supplementary statement appears to be an afterthought attempt just to invoke the cognizable non bailable Section to bring it within the ambit of Section 353 of Indian Penal Code.

4. Taking into consideration the contents of the FIR and also even the remand report, it is very much clear that the further physical custody of the applicant is not required. The fact remains that the applicant appears to have been thereafter admitted to Anandrushi Hospital, Ahmednagar and it was revealed from the hospital authorities that the applicant had consumed Tafgor insecticide (Rogor). There was no necessity for him to put his own life to danger for the purpose that the cable which alleged to have been used by him for committing theft was seized by MSEDCL authorities. If a public authority is discharging its own function, then any such act which would hamper the authority from discharging its duty will have to be viewed seriously. If the public authority is not allowed to function, then the entire system may collapse. Therefore, balance has to be struck when the physical custody of the applicant is not required for the purpose of investigation, yet, the applicant shall understand the seriousness and should allow the public authorities to carry out its own functions and, therefore, cost needs to be imposed on the applicant. With these observations, following order is

passed :-

ORDER

- I) Application stands allowed.
- II) Applicant – Bhimrao Ramrao Suslade, who has been arrested in connection with Crime No.919 of 2020 registered with Pathardi Police Station, Dist. Ahmednagar for the offences punishable under Sections 309, 353 of Indian Penal Code, be released on P. R. Bond of Rs.30,000/- with two sureties of Rs.15,000/- each.
- III) He shall not tamper with the evidence of the prosecution in any manner.
- IV) He should not indulge himself in any criminal activity.
- V) He shall deposit amount of Rs.5,000/- towards the cost to the High Court Legal Services Authority, Sub Committee, Aurangabad.
- VI) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI, J.]

scm