

2. The First Information Report (F.I.R.) has been lodged by a police personnel working at Anti-Terrorist Squad,

Parbhani. It has been alleged in the F.I.R. that, the informant along with his officer and Police Naik Waghmare were on duty as they had received an information that sand was being unauthorisedly excavated from the bed of river "Purna". The informant and his two associates, therefore, remained stationed on the road on Patil Ayurvedic College to Haddi Factory Road. The informant noticed one tipper (heavy vehicle) coming towards him. It was in high speed. The informant, with a view to save himself, jumped from his motorbike. He noticed that there were two persons in the tipper. One of them was Shaikh Babbar Shaikh. It was further noticed that the tipper entered "Reliable Factory" premises. The informant and his associates, therefore, went towards the factory gate. The Gate Keepers did not allow them to enter the factory. Some police personnel were summoned. The Gate Keepers did not allow them to enter the factory premises. a telephone was therefore, made to Shri Suleman (applicant No.1), Factory Manager for securing entry in the factory. He too did not grant them permission. It was found that the Gate Keepers allowed the tipper to escape from the other gate of the factory. the applicants did not behave properly with the informant and his colleague. As such, they were alleged to have obstructed the informant and other police staff in discharge of their official duties. They have,

therefore, been named in the F.I.R.

3. The learned A.P.P. would submit that, the applicants have been named in the F.I.R. They have obstructed the informant and other police personnel in discharge of their duties. The applicants assisted the main accused to flee away. He, therefore, urged for rejection of the application.

4. From the aforestated allegations in the F.I.R., it is clear that, the applicants were no way concerned with the first incident i.e. the tipper driver, making attempt on the life of the informant by running tipper towards him. From the allegations in the F.I.R., it is crystal clear that the applicants were the employees of "Reliable Factory". it was their contention that they would not allow the informant and the police personnel to enter the factory premises without permission of owner of the factory. there is prima facie nothing to indicate the applicants to have been aware about the earlier incident. They, therefore, cannot be observed to have intentionally assisted the tipper driver to flee away with the tipper. Merely refusing the informant and other police staff to enter the factory premises without the permission of owner of the factory could in no way be a case warranting

arrest for custodial interrogation. I am, therefore, inclined to allow the application. Hence the order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicants in connection with Crime No.118/2021, registered at Purna Police Station, District Parbhani for the offence punishable under Sections 307, 353, 186, 379, 341 read with Section 34 of the Indian Penal Code and Section 48(7)(8) of the Mines and Minerals Act, the applicants shall be released on bail on their executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount.

(iii) The applicants shall appear before the investigating officer as and when required. The applicants shall not tamper with the prosecution evidence.

**(R. G. AVACHAT)
JUDGE**

fmp/-