

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

ANTICIPATORY BAIL APPLICATION NO.454 OF 2021

Rangnath s/o. Tukaram Kande
and six others ..Applicants

Vs.

The State of Maharashtra ..Respondent

AND

ANTICIPATORY BAIL APPLICATION NO.449 OF 2021

Sanjay s/o. Ashokrao Khedkar ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr.N.B.Narwade, Advocate for applicants
Mr.P.N.Kutti, APP for respondent

CORAM : R.G. AVACHAT, J.
DATE : MAY 27, 2021
(Vacation Court)

PER COURT :-

Both these applications are being decided by
this common order since they arise from one and the
same crime.

2. The applications are filed for grant of anticipatory bail. The applicants claim to have apprehension of arrest in connection with Crime No.137 of 2021 registered with Shevgaon Police Station, Tq. Shevgaon, Dist. Ahmednagar, for the offences punishable under Sections 353, 297, 188, 269 and 270 of Indian Penal Code and under Sections 37(1) (3)/135 of the Maharashtra Police Act.

3. Heard. Perused the First Information Report ("FIR", for short) and the related papers.

4. The FIR has been lodged by a Police Naik. It is averred in the FIR that one Haribhau Pandurang Bhadade had died on 20.03.2021. His relatives, applicants herein and others had come to the police station, Shevgaon and insisted the police station Officer to register offence of murder of Haribhau Bhadade against Kishor, Dilip, Sunil, Anil and Somnath Dahiphale. The applicants were informed that after going through the post-mortem report,

necessary action would be taken. The applicants were not satisfied with the same. They brought the dead body of Haribhau to the Police Station in ambulance. They maligned the dead body and insisted the police station Officer to register the offence of 302 of I.P.C.

5. The order promulgated by the District Magistrate, prohibiting assembly of five or more persons, was in force. As such, the applicants used criminal force to deter the public servant to discharge his duty in a particular way.

6. Learned APP would urge for rejection of the application on the ground of a Police Officer has been obstructed/deterred with a view to compel him to discharge his duty in a way desired by the applicants.

7. I do not propose to reiterate the allegations in the FIR. Suffice it to say that no custodial interrogation of the applicants is

required. The Police Officer has not been manhandled. The conduct of the applicants may be emotional outburst. The same may constitute an offence. However, considering the allegations in the FIR, I find that the custodial interrogation of the applicants is not warranted.

8. Both the applications are, therefore, allowed in the following terms:-

(i) In the event of arrest in connection with Crime No.137 of 2021 registered with Shevgaon Police Station, Tq. Shevgaon, Dist. Ahmednagar, for the offences punishable under Sections 353, 297, 188, 269 and 270 of Indian Penal Code and under Sections 37(1) (3)/135 of the Maharashtra Police Act, the applicants in both the applications be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required by the Investigating Officer.

(iii) The applicants shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

kbp