

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

19 ANTICIPATORY BAIL APPLICATION NO.812 OF 2021

**LAHU DHUDA THELARI AND OTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr.A.D. Sonar, Advocae for the applicants.
Mrs.D.S. Jape, APP for the respondent/State.

**CORAM : SANDEEP K. SHINDE, J.
DATED : 29.07.2021**

PC :-

01. The applicants are shepherds. They were grazing sheep on the forest land. The complainant is an employee of the Forest Department. When the complainant attempted to refrain the applicants from grazing their sheep on the forest land, quarrel ensued between the applicants and the employees of the Forest Department. The incident was reported to Police, whereupon Crime No.75 of 2021 was registered under sections 353, 323, 332, 504, 506, 34 of the Indian Penal Code. Prima facie, the allegations suggest that the applicants had restrained the public servant from discharging official duties. However, the fact cannot be ignored that the applicants being shepherds grazing the ship is their livelihood. This aspect cannot be ignored at all and particularly when there are no criminal antecedents against the applicants.

Learned Counsel for the applicants, in context of this fact, has agreed to file undertaking of the applicants to state that henceforth applicants shall not prevent or deter the Forest Officials or any public servant from discharging their duties. In consideration of the facts stated above, the application is granted. Hence, the order :-

02. In the event of arrest of the applicants, the applicants shall be released on bail on executing bond in the sum of Rs.5,000/- (Rupees Five Thousand) each with one or more sureties in the like amount. The applicants shall file undertaking in this Court within a week from today. The applicants shall join investigation as when required by the Investigating Officer.

03. The application is accordingly allowed and disposed of.

[SANDEEP K. SHINDE,J.]