IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.888 OF 2021

Swapnil S/o Bhagwat Khedkar,
Age 28 years, occu. Agri.,
R/o Chakalamba, Tq. Georai,
Dist. Beed. ... Applicant.

VERSUS

1. The State of Maharashtra

2. The Superintendent of Police,
Beed ... Respondents.

...

Advocate for the Applicant : Mr. Rajendra R. Temkar.
APP for the Respondents – State : Mr. S. B. Narwade.

...

CORAM : V. G. BISHT, J.

DATE : 25th AUGUST, 2021

PER COURT :-

1. This is an application under section 438 of the Code of Criminal Procedure, 1973 preferred by the applicant seeking grant of pre-arrest bail in connection with Crime No.152 of 2021 registered with Chaklamba Police Station, District Beed for the offences punishable under Sections 353, 332, 323, 504, 506, 427 read with Section 34 of the Indian Penal Code, 1860.

2. It is the case of the prosecution that the informant is a driver of S.T. bus. On 04.07.2021, it is alleged, present

applicant and accused Abhijit alias Lahanya Kamlakar Khedkar entered into the driver's cabin to drive the bus and when they were obstructed by the informant they allegedly beat, abused and threatened him.

3. Mr. Rajendra R. Temkar, learned counsel for applicant, submits that even if the allegations made in the First Information Report as stated is taken as a whole then the question of custodial interrogation of the applicant is not required. In such circumstances, the application deserves to be allowed.

4. Mr. S. B. Narwade, learned APP, on the other hand, would submit that the applicant and other accused had assaulted the informant while discharging his official duty. In such circumstances, the application does not deserve consideration.

5. It is the allegation against the applicant that he had used criminal force against the informant, who was discharging his official duty and also the fact that there is nothing to be recovered from applicant, the custodial interrogation of the applicant is not at all necessary. That being so, I am inclined to allow the present application.

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

ORDER

(1) Application is allowed.

(2) In the event of arrest of the applicant - Swapnil S/o Bhagwat Khedkar herein in connection with Crime No.152 of 2021 registered with Chaklamba Police Station, District Beed for the offences punishable under Sections 353, 332, 323, 504, 506, 427 read with Section 34 of the Indian Penal Code, 1860, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs. 20,000/- [Rs. Twenty Thousand only], with one or two sureties in the like amount.

(3) The applicant shall not indulge in any criminal activity.

(4) Application is accordingly disposed off.

(V. G. BISHT)
JUDGE

shp/-