

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

**ANTICIPATORY BAIL APPLICATION NO. 909 OF 2021**

Wahid Rashid Pinjari

Age : 34 years, Occu. Corporator,

R/o. Shahada, Tq. Shahada,

Dist. Nandurbar.

**...Applicant**

**Versus**

The State of Maharashtra

**...Respondent**

.....  
Mr. Tabrejuddin, Advocate h/f Mr. Zia-Ul-Mustafa, Advocate for the  
applicant

Mr. S. B. Narwade, APP for respondent / State

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**CORAM : V. G. BISHT, J.**

**DATED : 02<sup>nd</sup> September, 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. 0652 of 2021, registered with Shahada Police Station, District Nandurbar, for the offences punishable under Sections 353, 332, 504, 506 r/w 34 of the Indian Penal Code.

2. It is the case of prosecution that on 24.06.2021, the informant, on order of superior, had been to disconnect the electricity

connection of one Mannan Rashid Pinjari, owner of Bharat Milk Dairy. Prosecution alleges that on the same day in the evening at 06:00 pm, accused Mannan requested the informant to restore the electricity connection and accordingly, informant after briefing Assistant Engineer – Mr. Sujeet Patil, went to restore the connection. When the informant reached there, accused Mannan started abusing. Meantime, applicant also came there and both of them rushed on the person of the informant and Wireman – Ganesh Sali. Both Mannan and the present applicant assaulted the informant and the Wireman Ganesh.

3. Mr. Tabrejuddin, learned Counsel for the applicant, submits that the applicant has been falsely implicated. Since the informant had illegally disconnected the electricity connection, after realizing the same he restored the same. Applicant being a Corporator at Municipality Shahada is also a social worker. Having regard to the facts and circumstances of the case, the custody of the applicant is not at all necessary. In such circumstances, the application deserves to be allowed.

4. Mr. S. B. Narwade, learned APP, on the other hand, opposed the submissions by contending that the criminal force was

used against the informant and one another. There being no merit in the application, same is liable to be rejected.

5. I have carefully gone through the contents of FIR. Even if it is presumed for the sake of argument that such incident had taken place, the facts of the present case do not warrant custodial interrogation of the applicant. I do not see any reason not to allow the application inasmuch as there is nothing to be recovered from the custody of the applicant. This is not a case of custodial interrogation that may be necessary to further the investigation.

6. In view of above, I am inclined to allow the application. Hence, I pass the following order.

### **ORDER**

- i. The application is allowed.
- ii. In the event of arrest of the applicant in connection with Crime No. 0652 of 2021, registered with Shahada Police Station, District Nandurbar, for the offences punishable under Sections 353, 332, 504, 506 r/w 34 of the Indian

Penal Code, the applicant is directed to be enlarged on bail on his furnishing P.R. Bond of Rs.20,000/- [Rs.Twenty thousand], with one or two solvent sureties in the like amount.

**[ V. G. BISHT ]**  
**JUDGE**