

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

ANTICIPATORY BAIL APPLICATION NO. 959 OF 2021

Bhimrao S/o Ganpatrao Shinde,
Age : 42 years, Occu. Agril.,
R/o. Halдав, Tq. Loha, Dist. Nanded.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mr. Eknath P. Sawant, Advocate for the applicant
Mr. N. T. Bhagat, APP for respondent / State
.....

AND

ANTICIPATORY BAIL APPLICATION NO. 943 OF 2021

Laxman S/o Tukaram More,
Age : 24 years, Occu. Education,
R/o. Sonkhed, Tal. Loha, Dist. Nanded.

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

.....
Mr. Anil M. Gaikwad, Advocate for the applicant
Mr. N. T. Bhagat, APP for respondent / State
.....

AND

ANTICIPATORY BAIL APPLICATION NO. 946 OF 2021

Vithal S/o Uttamrao Jadhav,
Age : 30 years, Occu. Teaching,
R/o. Sunegaon, Tq. Loha, Dist. Nanded.

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

.....
Mr. Anil M. Gaikwad, Advocate for the applicant
Mr. N. T. Bhagat, APP for respondent / State
.....

AND

ANTICIPATORY BAIL APPLICATION NO. 951 OF 2021

Gajanan S/o Tulshiram More,
Age : 32 years, Occu. Agri.,
R/o. Nila, Tq. Loha, Dist. Nanded.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mr. S. S. Gangakhedkar, Advocate for the applicant
Mr. N. T. Bhagat, APP for respondent / State
.....

CORAM : V. G. BISHT, J.
DATED : 09th September, 2021

PER COURT : -

1. These are applications under Section 438 of the Code of Criminal Procedure, 1973 preferred by the applicants seeking grant of pre-arrest bail in connection with Crime No. 0128 of 2021, registered with Loha Police Station, District Nanded, for the offences punishable under Sections 353, 143, 149, 504, 188, 269 of the Indian Penal Code, 1860, under Section 135 of the Maharashtra Police Act, 1951 and under Section 3 of the Epidemic Diseases Act, 1897.

2. It is the case of prosecution that on 03.07.2021, one Bhimrao Champati Shirsath committed suicide by hanging himself on the second floor of the Tahsil Office at Loha. The informant and Police officers reached there. It is alleged that the applicant Balasaheb Jadhav also came on the spot and started interfering in the work of police and informant. The said applicant also called others applicants, namely, Laxman Tukaram More, Gajanan Tulshiram More and Bhimrao Ganpatrao Shinde, on the spot. It is alleged that they also caused disturbance in the official duty of the revenue and police authorities. Applicant Balasaheb Jadhav took pictures and recorded video shooting of the spot of incident and made it viral through social media like WhatsApp and Facebook and thereby attempted to create breach of peace and public disorder. Applicants also breached the orders promulgated by District Magistrate under the provisions of the Epidemic Diseases Act. Accordingly, FIR came to be filed.

3. I have heard the learned Counsel appearing for the respective parties and learned APP.

4. According to learned Counsel, the whole FIR is full of general allegations and vagueness and, therefore, there is no necessity of custodial interrogation. There is also no question of tampering

with the prosecution evidence inasmuch as the informant is the Tahsildar and at the relevant time revenue and other police officials were also present.

5. Mr. N. T. Bhagat, learned APP, on the other hand, opposed the submissions by contending that the applicants not only used criminal force but also had abused the informant and other police officials. Similarly, they had attempted to disturb the public peace and disorder by circulating the video of the spot of incident on the social media through WhatsApp and Facebook. The investigation is in progress. There being no merit in the applications, same are liable to be rejected.

6. A plain reading of the FIR would show that the applicants had allegedly abused the informant and others and had created obstruction in discharge of official duty. As far as the alleged incident is concerned, there are general allegations without any specific details. Even if it is assumed for the sake of argument that the applicant Balasaheb Jadhav recorded the video of the spot of the incident and circulated it through WhatsApp or Facebook, in my considered opinion, it could not have created any public breach of peace or public disorder as it was a factual position. Moreover, the

nature of allegations would suggest that there is no necessity of custodial interrogation.

7. In view of above, I am inclined to allow the applications. Hence, following order.

ORDER

In the event of arrest of applicants, namely, Bhimrao Ganpatrao Shinde, Laxman Tukaram More, Vithal Uttamrao Jadhav and Gajanan Tulshiram More in connection with Crime No. 0128 of 2021, registered with Loha Police Station, District Nanded, for the offences punishable under Sections 353, 143, 149, 504, 188, 269 of the Indian Penal Code, 1860, under Section 135 of the Maharashtra Police Act, 1951 and under Section 3 of the Epidemic Diseases Act, 1897, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.20,000/- [Rs. Twenty Thousand only] each, with one or two solvent sureties in the like amount.

8. The Anticipatory Bail Applications stand disposed of in aforesaid terms.

[V. G. BISHT]
JUDGE