

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

**CRIMINAL APPEAL NO. 403 OF 2021**

Mohmad Waseem @ Dr. Vasim Mansabdar  
S/o Abdul Mustakeem Siddiqui,  
Age : 40 Years, Occ. Medical Practice  
R/o. Inamdar Galli, Patrud,  
Tq. Majalgaon, Dist. Beed.

**..APPELLANT**

**V E R S U S**

1. The State of Maharashtra  
Through Police Inspector,  
Majalgaon (Rural) Dist. Beed.

2. Vishwas S/o Ashok Rode,  
Age : 42 Years, Occ. Service,  
R/o. Bhimnagar, Parli- Vaijnath,  
Tq. Parli- Vaijnath,  
District Beed.

**..RESPONDENTS**

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*Advocate for the Appellant : Mr. S. J. Salunke*  
*A.P.P for Respondent No.1 : Ms. R. P. Gour*  
*Advocate for Respondent No.2 Smt. S.T. Kazi*

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**CORAM : N.R. BORKAR, J.**  
**DATE : 08.12.2021**

**ORDER :**

This appeal takes an exception to the order dated 10.08.2021, passed by the learned Additional Sessions Judge, Majalgaon, District Beed, in Criminal Bail Application No. 205 of 2021.

2. The appellant who is accused in Crime No. 188 of 2021 registered at Police Station Majalgaon (Rural) District Beed for the offences punishable under Sections 353, 332, 365, 143, 147, 149 of the Indian Penal Code and under Section 3(1)(r), 3(1) (s) 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 had filed an application for anticipatory bail before the learned Session Court, Majalgaon. The learned Additional Sessions Judge, Majalgaon rejected the said application by the order impugned.

3. The respondent No.2, who belongs to scheduled caste, on the date of incident, which took place on 24.07.2021 was working as Wireman with Maharashtra State Electricity Distribution Company Ltd (M.S.E.D.C. Ltd) and was posted at Patrud Tal. Majalgaon. On the day of incident at about 3.00 to 3.30 p.m., while he was on duty he had received a phone call from the present appellant-accused and he was asked as to when he will be restoring the electricity supply of village Dhorgaon. It is alleged respondent No.2 was asked to immediately come to village Dhorgaon and restore the electricity supply. It is alleged that as the respondent No.2 at that time was doing the work of recovery of electricity bill

amount of village Shindewadi, he told the appellant that he would come after his work is over. It is alleged that, the appellant thus got annoyed and while the respondent No.2 was at Shindewadi Phata, he along with five unidentified persons came there. It is alleged that the appellant along with said five persons assaulted the respondent No.2 by fists and kicks blows and abused him on his caste. It is alleged that, the present appellant along with said five unidentified persons then made him to sit in their vehicle and took him to the hospital of the present appellant and assaulted him there by means of stick and PVC pipe.

4. I have heard the learned counsel for the appellant and learned A.P.P. for the respondent State and learned counsel appearing on behalf of the respondent No.2.

5. The learned counsel for the appellant submits that, the appellant is doctor by profession and at the relevant time was Vice Chairman of Panchayat Samiti, Majalgaon, District Beed. It is submitted that on 20.07.2021 the present appellant had written a letter to the Junior Engineer, M.S.E.D.C,L. 33KV Patrud, Tal. Majalgaon, Dist. Beed and requested him to conduct

enquiry against the present respondent No.2 for dereliction of the duties. It is submitted that, in view of the said letter written by the appellant, a false complaint came to be lodged against him. It is submitted that, the appellant and respondent No.2 are not resident of the same village and therefore there arises no question of appellant knowing the caste of respondent No.2. It is further submitted that, this Court by order dated 30.08.2021 has granted interim protection to the appellant and thus thereafter, the appellant had attended the concerned police station and co-operated in the investigation. It is submitted that custodial interrogation of the appellant is not necessary, as nothing is to be recovered from him. It is submitted that learned Additional Sessions Judge, was thus not justified in rejecting the anticipatory bail of the appellant. It is submitted that, the appeal may be allowed and appellant may be released on anticipatory bail.

6. In support of his submissions, the learned counsel for the appellant has relied upon the Judgment reported in the case of ***Siddharam Satlingappa Mhetre Vs. The State of Maharashtra and Others*** reported in (2011) 1 Supreme Court Cases 694 and in the case of **Shri. Gurbaksh Singh Sibbia**

**And Others Vs. The State of Punjab** reported in (1980) 2 Supreme Court Cases 565.

7. On the other hand, the learned A.P.P. for the respondent State submits that, there is bar to entertain the application for anticipatory bail under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is submitted that, even otherwise, considering the nature of the offence, i.e. assault on a public servant, the learned Additional Sessions Judge was justified in rejecting anticipatory bail. It is submitted that after the incident, the respondent No.2 was referred for medical examination and in all four injuries were found on the person of the respondent No.2. It is submitted that, after the incident the respondent No.2 had made phone call to his superiors and they have stated in their statements that when they met the respondent No.2 he was in injured condition. It is submitted that no interference is called for in the order impugned.

8. The learned counsel for respondent No.2 has adopted the submission made by the learned A.P.P.

9. According to the appellant, he has been involved in a false case as, on 20.07.2021 he had written a letter to the Junior Engineer asking him to conduct the inquiry against the respondent No.2 for dereliction of the duties. I have perused the said letter dated 20.07.2021. From the contents of the letter it appears that the present appellant who at the relevant time was Vice- Chairman of Panchayat Samiti was upset with the present respondent No.2 as according to the appellant, though he met the respondent No.2 and requested him to restore the electricity supply to village Dhorgaon, the respondent No.2 failed to do so. It appears that a request was thus made to conduct inquiry against the appellant.

11. It appears that on the day of incident, the appellant who was already upset with the respondent No.2 had made phone call to him and told him to come to Dhorgaon immediately. It appears that as the respondent No.2 told him that he would come after his work is over, the appellant decided to teach him lesson and assaulted him with five unidentified persons.

12. It appears from injury certificate that during medical examination four contusions were found on the person of the respondent No.2.

13. Even otherwise, it is unlikely that a person who was working as wireman would dare to lodge a false complaint against the appellant who at the relevant time was Vice Chairman of the Panchayat Samiti.

14. Considering the facts and circumstances, the trial Court was justified in rejecting the anticipatory bail application of the present appellant. No interference is thus called for in the order impugned. The appeal is dismissed.

15. The learned counsel for the appellant at this stage submits that, to enable the appellant to approach the Hon'ble Supreme Court, interim protection granted to him by the order dated 30.08.2021 may be extended for a period of four weeks.

16. The learned A.P.P. for the respondent State and learned counsel for respondent No.2 submit that considering the nature of offence interim protection may not be extended.

17. However, considering the fact that the said interim protection granted to the appellant accused by the order dated 30.08.2021 is there since last more than four months, the same

shall remain in force for the further period of four weeks from today i.e. till 05.01.2022.

18. Learned appointed counsel Mrs. Sabbhat T. Kazi for respondent No.2 shall be paid fees in accordance with rules.

**( N. R. BORKAR )**  
**JUDGE**

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