

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

**ANTICIPATORY BAIL APPLICATION NO. 1027 OF 2021**

1. Radhakishan @ Ramkrishna s/o Pundlik Shelar,  
Age 39 years, Occu: Labour
2. Balu s/o Pundlik Shelar  
Age 45 years, Occu: Labour
3. Mira w/o Navnath Soudagar  
Age 35 years, Occu: Labour
4. Machindra s/o Vitthal Shelar  
Age 50 years, Occu: Labour
05. Vishwanath s/o Daulat Phulare ... **Applicants**  
Age 65 years, Occu: Labour  
  
All R/o Jambargaon, Tq. Vaijapur  
District Aurangabad.

**VERSUS**

The State of Maharashtra, ... **Respondent**

Mr. S. G. Bobade, Advocate for the applicants,  
Mr. V. S. Badakh, A.P.P. for the State.

CORAM : V. G. BISHT, J.  
DATE : 27th September, 2021

**ORDER:**

1. This is an application 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. 106/2021 registered with Vaijapur Police Station, District Aurangabad for the offences punishable under Sections 143, 147, 149, 353, 332 of the Indian Penal Code, 1860.

2. It is the case of prosecution that on 22.02.2021, Gat No. 245 admeasuring 9 H, abutting to Sumruddhi Highway, was acquired by the State Warehouse Corporation. The said plot was earlier encroached upon by the applicants and other accused. It is alleged that while the work of construction of protective wall undertaken by the State Warehouse Corporation was going on, the applicants alongwith other accused created obstruction despite persuading them and they also pushed the informant and thereby caused obstruction in discharge of official duties. The informant accordingly lodged the report.

3. Mr. S.G. Bobade, learned counsel for the applicants, submits that having regard to the nature of allegation, there is no necessity of custodial interrogation. The applicants have no criminal antecedents and therefore, the present application deserves to be allowed.

4. As against this, Mr. V. S. Badkh, learned A.P.P. opposed the submissions by contending that investigation is in progress and therefore, the application should be rejected.

5. Having regard to the nature of allegations, in my considered opinion, there is no necessity of custodial interrogation. There is nothing to be recovered or for that matter the custody of the applicants is necessary in the given state of fact and circumstances.

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

**O R D E R**

- i. In the event of arrest of the applicants in connection with Crime No. 106/2021 registered with Vaijapur Police Station, District Aurangabad for the offences punishable under Sections 143, 147, 149, 353, 332 of the Indian Penal Code, 1860, the applicants are directed to be enlarged on bail on their furnishing P.R. Bond of Rs.15,000/- [Rs. Fifteen thousand only], with one or two solvent sureties in the like amount.
7. Application stands disposed of in the aforesaid terms.

**(V. G. BISHT, J.)**

JPC