

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
24 ANTICIPATORY BAIL APPLICATION NO.1045 OF 2021
SATISH KESHAVRAO BHUJANG
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. S.R. Bagal h/f. Mr. Bharat N. Gadegaonkar
APP for Respondents: Mr. N.T. Bhagat.

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CORAM : PRAKASH D. NAIK J.

DATE : 11TH OCTOBER, 2021.

PER COURT:

The applicant is apprehending arrest in connection with crime No. 272 of 2021 registered with Badnapur Police Station, District Jalna for the offence punishable under Sections 353, 341, 323, 504, 506 of IPC.

2] The FIR was lodged on 6th August, 2021. The complainant is employed with District Zilla Parishad Primary School at Kinhola. The applicant is resident of the same village. Most of the times, he used to be under the influence of liquor. He repeatedly used to demand party from the complainant which was refused by him. On 5.8.2021, the complainant was at his school and performing his duty. At about 3.00 p.m., the applicant came to the premises of the school and at that time, when the complainant asked him as to why he has come there, he was slapped by the applicant.

3] The question that arises for consideration is, whether the act as alleged, amounts to an offence constituted under Section 353 of the IPC. Prima facie, it does not appear that the complainant was obstructed

while performing his duty as a public servant.

4] The learned APP submits that the applicant had entered into the school premises and he was questioned by the complainant and at that point of time, he was assaulted, which would amount to obstruction in duty.

5] Considering the factual aspects of this case, it is debatable whether the offence under Section 353 can be attracted. All other offences are bailable in nature. Even otherwise, custodial interrogation of the applicant is not warranted. Hence, the following order :-

: O R D E R :

[I] In the event of arrest of the applicant in connection with Crime No. 272 of 2021 registered with police station Badnapur, Dist. Jalna, the applicant be released on his executing PR Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.

[II] The applicant shall appear before the Investigating Officer on 20th, 21st and 22nd October, 2021 between 11.00 a.m. and 1.00 p.m. and thereafter, as and when called for.

[III] The applicant shall not cause any harassment to the complainant and he shall not enter the premises of the Zilla Parishad Primary School, Kinhola.

[IV] Application is disposed of.

[PRAKASH D. NAIK]
JUDGE.

grt/-