

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

ANTICIPATORY BAIL APPLICATION NO. 1063 OF 2021

Nanasaheb Fakirrao Bodkhe,
Age : 38 years, Occu. Agriculture,
R/o. Hingoni, Tal. Vaijapur,
Dist. Aurangabad.

...Applicant

Versus

The State of Maharashtra

...Respondent

.....
Mr. Vishweshwar H. Pathade, Advocate for the applicant
Mr. N. T. Bhagat, APP for respondent / State
.....

CORAM : PRAKASH D. NAIK, J.

DATE : OCTOBER 12, 2021

PER COURT : -

1. The applicant is apprehending arrest in connection with Crime No. 0327 of 2021 registered with the Vaijapur Police Station, Dist. Aurangabad, for the offences punishable under Sections 143, 147, 148, 149, 353, 332, 504, 506 of the Indian Penal Code and Section 138 of the Electricity Act.

2. The case of the prosecution is that on 15.08.2021, the informant was discharging his duties. More than 100 villagers rushed to the spot and some of them had assaulted the complainant. The

villagers were agitated due to power failure. The complainant was intimidated. The accused had assaulted the complainant by sticks and fist blows. The applicant has assaulted the complainant by means of stick on his left hand.

3. The co-accused Madan Thorat, Manoj Kale, Kakasaheb Chandane, Balu Kale, Sunil Gire and Suresh Mitkar have been granted anticipatory bail by the Sessions Court vide order dated 30.08.2021.

4. Learned Counsel for the applicant submitted that the allegations are vague. No specific overt act has been attributed to the applicant. There are no criminal antecedents against the applicant. The co-accused have been granted anticipatory bail.

5. Learned APP submitted that the role of the other accused, who have been granted anticipatory bail, can be distinguished. Specific allegation has been attributed against the applicant as he was instrumental in assaulting the informant with stick. The informant was a public servant. He was discharging his duties. He cannot be obstructed while discharging his duties.

6. From the tenor of the FIR, it is apparent that there was issue about power failure and several villagers were aggrieved and agitated and some of them allegedly assaulted the complainant. The assault certainly cannot be justified. No injury appears to have been caused to the complainant. The co-accused were granted relief by the Sessions Court u/s 438 of the Code of Criminal Procedure. The custodial interrogation of the applicant is not necessary. Hence, the following order.

ORDER

- i] In the event of arrest of the applicant in connection with Crime No. 0327 of 2021 registered with the Vaijapur Police Station, Dist. Aurangabad, for the offences punishable under Sections 143, 147, 148, 149, 353, 332, 504, 506 of the Indian Penal Code and Section 138 of the Electricity Act, he be released on bail on his furnishing P.R. Bond in the sum of Rs. 20,000/- (Twenty Thousand) with one or more sureties in the like amount.
 - ii] The applicant shall report to the Investigating Officer as and when called.
7. The application stands disposed of accordingly.

[PRAKASH D. NAIK]
JUDGE