

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

914 ANTICIPATORY BAIL APPLICATION NO. 1197 OF 2020

**MUKUND S/O RISHIKESH DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA**

Advocate for Applicant : Mr. P.P. More.
APP for Respondent : Mr. S.W. Mundhe.

**CORAM : MANGESH S. PATIL, J.
DATED : 20.01.2021**

PER COURT :

The applicant is one of the accused from Crime No. 90/2020 seeking bail in the event of his arrest.

2. In substance, the allegations from the FIR lodged by a Track man in the Railway Department are to the effect that he was deputed at Gate No. 56. According to the intimation received he had closed the Gate however the accused persons arrived there and tried to lift the gate and when he obstructed them he was assaulted.

3. The learned Advocate for the applicant would submit that the other two accused have been granted regular bail. Going by the allegations, nothing is to be recovered from the applicant. Though the applicant was involved in one crime earlier, he has been acquitted. He was also imposed with cost of Rs. 25,000/- while

granting ad interim anticipatory bail. He has deposited that cost. Similarly he has attended the concerned police station regularly as directed in the order. He would continue to cooperate the Investigating Officer. His custodial interrogation is not necessary. Ad interim relief may be continued.

4. Learned APP opposes the application and submits that considering the fact that the offences of this kind are on the rise coupled with the fact that the applicant is already involved in one serious crime and even there are criminal antecedents of the co accused, the discretion may not be used in favour of the applicant. He, further, submits that there is no grievance made by the Investigating Officer about the applicant having failed to comply the conditions of the ad interim anticipatory bail.

5. True it is that incidents of this kind against the public servants are increasing day by day. It is equally serious that in the matter in hand the accused persons had tried to forcibly open the Railway Gate which potentially would have been risky to the life of the commuters.

6. However, there is no premeditation. The incident seems to have occurred on a spur of moment. The applicant has already been granted ad interim bail subject to some cost which he has deposited.

He also attended the concerned police station. Considering the fact that the nothing is to be recovered from him, he deserves to be granted anticipatory bail.

7. Application is allowed. Ad interim bail granted by the order dated 22.12.2020, stands confirmed with the same terms and conditions with a modification that the applicant shall continue to attend the concerned police station only till filing of the charge sheet.

(MANGESH S. PATIL, J.)

S.P.C.