

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

ANTICIPATORY BAIL APPLICATION NO. 1294 OF 2021

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| 1. | Balaji Bhimrao Pawar,
Age 32 years, Occu: Labour
R/o Wadarwadi, Khadak Talav,
Tq. & Dist. Jalna. | ... | Applicants |
| 2. | Somnath Laxman Jadhav
Age 69 years, Occu: Labour
R/o As above | | |
| 3. | Tukaram Malhari Vitekar
Age 57 years, Occu: Labour
R/o As above | | |
| 4. | Pradeep Vidyadhar Waghmare,
Age 38 years, Occu: Labour
Near Maroti Temple, Sanjay Nagar,
Old Jalna, Tq. & Dist. Jalna. | | |
| 5. | Shankar Baburao Pawar,
Age 43 years, Occu: Labour,
R/o Wadarwadi, Khadak Talv,
Tq. & Dist. Jalna. | | |
| 6. | Shankar Baburao Pawar,
Age 43 years, Occu: Labour
R/o Wadarwadi, Khadak Talv,
Tq. & Dist. Jalna. | | |

VERSUS

The State of Maharashtra, Through Police Inspector Jalna Taluka Police Station, District Jalna.	...	Respondent
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Mr. Suvidh S. Kulkarn, Advocate for the applicants,
Mr. A. V. Deshmukh, A.P.P. for the State.

CORAM	:	PRAKASH D. NAIK, J.
DATE	:	30th November, 2021

ORDER:

1. The applicants are seeking pre-arrest bail in Crime No. 462 of 2021 with taluka Jalna police station, Dist. Jalna for offence under sections 143,148, 149, 353, 506 of IPC.
2. Case of the prosecution is that the informant is a Circle Officer. He proceeded to Gairan land on instructions from the talathi that some persons were committing theft of minor mineral from the said land. The informant was accompanied by other officers. When they reached the spot, it was noticed that some persons were excavating Murum with the help of JCB and loading the same in Tipper. When the informant and others reached the spot, they ran away. The police were called on the spot. There was a mob and they were preventing the informant and public servants from carrying out seizure of JCB and Tipper. They also threatened that they would be pelting stones and did not allow the public servants to discharge their duties.
3. The contention of the applicants is that they did not use any force. There was no stone pelting. The applicant is not involved in the offence.
4. Learned APP submitted that the FIR describes the role played by accused. The applicants had threatened complainant and prevented him in discharging his duty.

5. It appears from the tenor of FIR that accused were present on the scene of offence. They apparently did not execute threats issued by them.

6. Considering the factual aspects of the matter, protection under section 438 can be granted to the applicants on certain conditions.

7. Learned counsel for the applicants submits that applicants are willing to stay out of Wadarwadi till filing of the charge sheet.

8. Hence, I pass the following order :

ORDER

- i. Anticipatory Bail Application No. 1294 of 2021 is allowed;
- ii. In the event of arrest of the applicants in Crime No. 462 of 2021 with Taluka Jalna police station, Dist. Jalna, the applicants be released on bail on executing PR bond in the sum of Rs. 20,000/- each, with one or more sureties in the like amount;
- iii. The applicants shall not tamper with the evidence.
- iv. The applicants shall stay out of village Wadarwadi till filing of the charge sheet.

- v. The applicant shall report the Investigating Officer on 8th, 9th and 10th December, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called till filing of the charge sheet.
- 9. Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)

JPC