

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

BAIL APPLICATION NO.1613 OF 2021

1. Ravindra s/o. Shantaram Patil
2. Sandip s/o. Shalik Patil
3. Manoj s/o. Shantaram Patil
4. Nitin s/o. Vana Patil
5. Ranjana w/o. Nitin Patil ..Applicants

Vs.

The State of Maharashtra ..Respondent

Mr.B.S.Deshmukh, Advocate for applicants
Mr.A.A.Phad, Advocate for applicant no.2
Mr.P.N.Kutti, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : DECEMBER 17, 2021**

ORDER :-

Heard.

2. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.434 of 2021 registered with Parola Police Station, Dist. Jalgaon, for the offences punishable under Sections 353, 332, 341, 186 read with Section 34 of Indian Penal Code.

3. The First Information Report (FIR) has been lodged by the Tahsildar, Parola. It has been alleged therein that the on 25.10.2021, applicant - Nitin had sat on fast at the Tahsil Office, Parola, for compliance of his demands as to removal of encroachment and repairs

of the shop-block possessed by him. On 12.11.2021, three persons (applicant nos.1 to 3), claiming to be relations of the wife of applicant -Nitin, entered the chamber of the informant and asked him, why did he not comply with the demand of Nitin Patil. They also urged the informant to give a written assurance promising compliance of the demands. Since the informant expressed his inability to give anything in writing, the trio started shouting and rushed towards the informant. Other staff in the Tahsildar office came to the chamber and tried to convince applicant nos.1 to 3 but in vain. Since applicant nos.1 to 3 did not listen, the informant started leaving his chamber with a view to lodge police report against them. The informant started in his official vehicle and while about to exit from the main gate of the office, applicant nos.4 and 5 intercepted his way. Applicant nos.1 to 3 shouted at the informant and threatened him as well. The informant, therefore, called for the police personnel. The applicant – Nitin took front seat in the official vehicle of the informant and told that he (informant) would not be allowed to leave from that place. One of the applicants snatched the keys of the official vehicle. As such, the applicants are alleged to have obstructed the public servant in discharge of his official duties and committed related offences.

4. Learned APP would submit that on the previous day of the incident, a non-cognizable case was registered against the applicant - Nitin. All his demands were taken care of. The applicants are quarrelsome persons. The investigation of the offence is underway. Learned APP relied on the statements of other revenue officials to show involvement of the applicants in the alleged offences.

5. Admittedly, applicant no.4 was on hunger strike to press for his demands regarding removal of encroachment and repairs to shop-block held by him as tenant. For little over one month, the applicants are behind the bars. One of them is woman. Their remaining behind the bars is not necessary for investigation of the crime. From the allegations in the FIR, it does indicate that none of them has been attributed with physical assault. In the given circumstances, pre-trial detention of the applicants is unwarranted.

6. The application is, therefore, allowed in terms of the following order:-

- (i) The applicants be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount in connection with

Crime No.434 of 2021 registered with Parola Police Station, Dist. Jalgaon, for the offences punishable under Sections 353, 332, 341, 186 read with Section 34 of Indian Penal Code.

- (ii) The applicants shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

kbp