

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1565 of 2021

Sambhaji Krishna Kenjale & Anr	.. Applicants
Versus	
The State of Maharashtra	.. Respondent

...

Mr. Dhananjayrao Rananaware for the applicants.
Mr. Ajay Patil, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 9th JULY 2021

P.C:-

1 The two applicants are apprehending their arrest in C.R.No.69 of 2021 registered with Rahimatpur police station, Satara, on a complaint filed by one Anand Kenjale, an employee of the Gram Panchayat working in the Water Supply Department.

2 The complaint came to be filed on 9th May 2021 in respect of an incident which took place on 7th May 2021. The gist of the allegations levelled against the applicants is to the effect that while he was on duty of operating the valve for for starting the water supply, the applicant no.1 arrived at the spot and raised a row over supply of water.

The complainant made him understand that he is not responsible for the same and the applicant should not argue with him. This infuriated the applicant and he slapped him. Thereafter, the second incident is reported of the same date when after the first incident, the matter was referred to the Dispute Resolution Committee (Tanta Mukti Samiti) who resolved the discord. Thereafter, the complainant came to his office and at that time, one Shankar Kenjale, son of the applicant Akshay Kenjale and the applicant no.2 arrived there and entered into a verbal altercation. At that time, it is alleged that applicant no.2 slapped the complainant. Again the dispute was resolved by those present in the office of the Gram Panchayat. The complainant state that he was referred to the Rural Hospital where he was offered treatment and on 9th March 2021, he lodged the report.

3 Undisputedly, in respect of an incident dated 7th May 2021, there is no plausible explanation offered by the complainant as to why he reported the incident after two days. In any case, the offence involved is Section 332, 353, 504 II read with Section 34 of the IPC and no custodial interrogation of the applicant is warranted. At the same time, the conduct of the applicants need to be deprecated as they have physically mishandled employee of the Gram Panchayat who was discharging his duty. If they had any grievance of non-supply of water or issue about supply of water, it could have been referred

to the appropriate authority by raising a grievance. But, instead of that, they chose a simple way of slapping the applicant.

4 The Learned counsel state that the applicants regret their conduct and they are ready to take up the consequences of their act being charged for the offence and made to stand for a trial. However, by way of good gesture, the learned counsel for the applicant state that the applicants are ready to donate an amount of Rs.10,000/- to Gram Panchayat, Kathapur which fund can be utilized for ensuring smooth supply of water to the villagers in the Gram Panchayat which will include the applicants themselves.

5 The said statement is accepted as an undertaking to the Court and is made as a condition for release of the applicants on bail in the event of their arrest.

ORDER

- (a) In the event of their arrest, the Applicants in connection with C.R.No. 69 of 2021 registered with Rahimatpur Police Station shall be released on bail on furnishing P.R. bond to the extent of Rs.20,000/- with one or two sureties of the like amount.

- (b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade them from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicants shall make themselves available as and when required by the Investigating Officer.
- (d) The applicants to deposit Rs.10,000/- within a period of four weeks from their release. They will tender a copy of the receipt to the Registry of this Court on such a deposit and also one copy to be furnished to the IO.

In any case, failure to do so, the Investigating Officer is at liberty to take appropriate steps.

The deposit being a per-condition for release of the applicants on bail.

Application is allowed in the aforesaid terms.

SMT. BHARATI DANGRE, J