

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1469 of 2021

Abhijeet @ Sagar Solapure & Ors	.. Applicants
Versus	
The State of Maharashtra	.. Respondent

...

Mr.Tapan Thatte with Mr.Abhijeet Patil for the applicants.
Mr.A.R. Kapadnis, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 5th JULY 2021

P.C:-

1 Heard Mr.Tapan Thatte along with Mr.Abhijeet Patil for the applicants and the learned APP for the State.

2 The applicants are seeking protection from arrest in connection with C.R.No. 404 of 2021 registered with Solapur Taluka Police Station on 2nd June 2021, thereby invoking Sections 353, 504, 506 read with Section 34 of the IPC. The FIR is registered on a complaint filed by one Somnath Gangadhar Kole, Gram Sevak, Tandulwadi, against the applicant no.1 who is the Up Sarpanch of the very same Gram Panchayat and the applicant no.2 is the brother of applicant no.1, whereas applicant nos.3 and

4 are alleged to be his supporters.

On perusal of the complaint, it surfaces that the complainant has made a grievance about the reckless conduct of the applicant, when he along with his associates was indulged in the work of registration of the beneficiaries under the Prime Minister Awas Yojana and at that moment when he was performing his official duty, it is alleged that the applicant no.1 barged into his office and threatened the complainant that he will have to act as per his dictate. It is also alleged that the applicants also attempted to mount an assault and also hurled abuses. The complainant therefore alleged that this amounted to obstruction in discharge of his duty as a Gram Sevak and based on the said allegations, the offence under Section 353 of the IPC was registered against the applicants along with Section 504, 506 of the IPC.

3 As a counter to the said allegations, the submission of the applicant no.1 is to the effect that some days before and to be precise on 20th May 2021, a draft resolution was circulated by him wherein certain serious allegations were levelled against the complainant about his involvement in the *Sand Mafia* as well as his misdeeds in certain public schemes were highlighted, particularly relating to water supply and this according to the Applicant is the reason for lodging the present complaint which is apparently concocted and false.

Tilak

4 On perusal of the complaint as well as the surrounding circumstances, it *prima facie* appear that the complaint is nothing but a result of the inter-se rivalry of two groups, the applicant being working as Upsarpanch and the complainant as Gram Sevak. In any case, this difference of opinion or the allegations should not affect the work of a Gram Panchayat as the members of the Gram Panchayat are expected to serve the people residing in the Gram Panchayat and with a hope that good sense would reveal upon both, the complainant and the Up Sarpanch who would behave with a sense of responsibility, the applicants in my considered opinion, are entitled for protection from arrest, since looking to the nature of allegations, no Custodial Interrogation is warranted. But what is expected is that the applicant no.1 holding a responsible post of Dy. Sarpanch and his associates would behave as responsible persons and will not create any hindrance in the functioning of the Gram Panchayat. The applicants are therefore, entitled to be released on bail with the following conditions :-

ORDER

- (a) In the event of their arrest, the Applicants shall be released on bail in respect of C.R.No. 404 of 2019 with Solapur Taluka Police Station on

furnishing P.R. bond to the extent of Rs.25,000/- each with one or two sureties each 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 him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicants shall report to Solapur Taluka Police Station on every Friday between 10.00 am to 1.00p.m.

The Application is disposed of accordingly.

SMT. BHARATI DANGRE, J