

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.17 OF 2022

RAMA S/O GANPAT KALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicants : Mr. S. R. Bagal h/f Mr. B. N. Gadegaonkar
APP for Respondent -State : Mr. V. M. Kagne
.....

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 02-02-2022.

ORDER :

1. The applicants are apprehending their arrest in connection with Crime No.159 of 2021, registered with Sindkhed Police Station, District Nanded, for the offences punishable under Section 353, 332, 323, 341, 504, 506 read with 34 of the Indian Penal Code.
2. Heard learned Advocate Mr. S. R. Bagal holding for Mr. B. N. Gadegaonkar for applicants and learned APP Mr. V. M. Kagne for respondent-State. In order to cut short, it is stated that both of them have made submissions in support of their respective contentions.
3. Perusal of the FIR would show that it is lodged by Gramsevak Grampanchayat Wayphani, Taluka Mahur District Nanded. He had gone to paste notices for outstanding taxes to be paid by the citizens

on the respective houses at about 09.00 a.m. on 29-11-2021. He was also collecting the tax amount and was along with one Gajanan Bhumanna Bandewar. When they were near Zilla Parishad School, at that time applicant No.1 came and started arguing as to why they had pasted the notice on his house. According to the informant, applicant No.1 was obstructing their official work, and therefore, informant and said Gajanan Bandewar went from that place. When informant was proceeding towards Daheli Tanda, applicant No.2 came from back side on motorcycle and he took the keys of the motorcycle of the informant. Applicant No.1 joined applicant No.2 and they assaulted informant. After the intervention of the Sarpanch, informant was rescued. Informant states that due to the frightening condition, he could not go to the police station and lodged the report immediately. He lodged the report on the next date i.e. 30-11-2021.

4. Important point to be noted is that the applicant has produced on record tax payment receipt in respect of house No.138 standing in the name of applicant No.1 which is for the year 2021-2022 and the payment of tax of Rs.200/- has been made by him on 18-06-2021. Perusal of the police papers would show that some notice

stating to be for the period 2021-2022 in respect of the house No.138 was issued on 30-10-2021, and it is for the amount of Rs.188/-. Even prima facie it can be seen that if we compare this notice with the receipt that has been produced by the applicant that before issuing notice on 30-10-2021, the Gramsevak had not taken into consideration the payment that was made by the applicant on 18-06-2021, because his FIR is silent on that point. Even the notice that was issued on 30-10-2021 does not say that applicant No.1 was in arrears of tax. With this background then applicant No.1 getting annoyed with the act of Gramsevak about pasting of notice on his house, would be genuine. However, he cannot take the law in his hands. At the most, he can raise objection and there are legal ways to raise objections. There are statements of witnesses showing that the applicants had assaulted informant. This act should be deprecated. However, at the same time taking into consideration the allegations in the FIR, the physical custody of the applicants is not necessary. Applicants have permanent residence and there are no criminal antecedents, and therefore, they deserve anticipatory bail subject to conditions.

5. The learned Advocate for the applicants has submitted that

applicant No.1 has paid the amount, and therefore, he got angry and might have raised his hand, but now he is repenting. He is ready to deposit the amount to show his bonafides to the Government or any other institution.

6. This Court by order dated 11-01-2022 had granted interim protection to the applicants, that deserve to be confirmed. In addition to that directions are required to be given to applicants to deposit certain amount to show their bonafides to the High Court Legal Services Sub-Committee, Aurangabad. Hence following order.

ORDER

- 1) Application is hereby allowed.
- 2) The interim protection granted by this Court on 11-01-2022 to the present applicants Rama s/o Ganpat Kale and Anil s/o Kishan Kale is hereby confirmed. In other words, in the event of arrest of the applicants in connection with Crime No.159 of 2021, registered with Sindkhed Police Station, District Nanded, for the offences punishable under Section 353, 332, 323, 341, 504, 506 read with 34 of the Indian Penal Code, they be released

on PR of Rs.30,000/- each (thirty thousand) with one or two sureties of like amount.

3) The applicants shall not tamper with the evidence of the prosecution in any manner.

4) They shall not indulge in any criminal activity.

5) Before submitting the bail papers, both the applicants are hereby directed to deposit amount of Rs.5000/- each (Five thousand) within 15 days to the High Court Legal Services Sub-Committee, Aurangabad.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-