

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

925 BAIL APPLICATION NO.55 OF 2022

MAHADEO ASARAM DAHIPHALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Chatterji Joydeep
APP for Respondents/State : Mr. S.B. Narwade
...

CORAM : M.G. SEWLIKAR, J.
DATE : 2nd February, 2022

PC.:-

Heard.

2. Learned counsel Shri Chatterji for the applicant submits that charge-sheet is filed. He submits that allegations against applicant in terms of the FIR are that at the time of the incident, Navratra Utsav at Mohtadevi temple was going on. On account of pandemic situation created due to Covid-19 the Collector, Ahmednagar promulgated order dated 6th October, 2021 under Section 141 of Cr.P.C. and restricted gathering of persons in and around Mohtadevi temple.

3. It is further alleged that on 6th October, 2021 at about 7.00 am palkhi procession was taken from village Mohta to Mohtadevi temple. Around

50 to 100 villagers from village Mohta were dancing in front of Hanuman temple. On the public address system, police officers and PI-Chavan requested the mob to disburse. On hearing the appeal of the police, mob had started disbursing but one of the accused persons started shouting that he would not let the mob disburse. PI-Chavan and API-Patil tried to take him out of the mob. He started manhandling the police. Suddenly three to four unknown persons caught hold of police. The applicant also caught hold of the police and facilitated the escape of the accused whose name subsequently was disclosed as Vitthal. Applicant was shouting and saying to Vitthal to go away and applicant would take care of the police. The police attempted to catch the said Vitthal, but the applicant held the police by their clothes and in this manner obstructed the police personnel from discharging their duties as public servants. Incidentally, the applicant turned out to be an Ex-Sarpanh of village Mohta. On these allegations FIR came to be lodged against the applicant vide Crime No.779/2021 registered with Pathardi Police Station, District Ahmednagar under Section Section 353, 332, 341, 143, 147, 149, 269, 199 of the I.P.C. and under Section 2, 3,4 of the Epidemic Diseases Act, 2005 and under Section 51(b) of the Disaster Management Act, 2005

4. Learned counsel Shri Chatterji submits that the applicant is behind the bars for more than three months. Offence is not punishable with

death or imprisonment for life. It is punishable with imprisonment for five years. He submits that charge-sheet is filed.

5. Learned APP Shri Narwade submits that the applicant is an Ex-Sarpanch. Instead of following the rules and the orders promulgated by the Collector, he started instigating the mob not to disburse and also obstructed the police from discharging their duties. He submits that being an Ex-Sarpanch he is expected to lead by example but instead of that he created hurdles before the police in discharging their duties. He, therefore, opposed the application for bail.

6. Admittedly, charge-sheet is filed. Offence is not punishable with death or imprisonment for life. The maximum punishment for the offence punishable under Section 353 is five years. He does not have any criminal antecedent. Being an Ex-Sarpanch he is not likely to flee from justice. Considering the pandemic situation created due to Covid-19, I am inclined to release the applicant on bail. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.40,000/- with one solvent surety in the like amount, in connection with Crime No.779/221 under Section 353, 332, 341, 143, 147, 149, 269, 199 of the I.P.C. and under Section 2, 3,4 of the Epidemic Diseases Act, 2005 and

under Section 51(b) of the Disaster Management Act, 2005 with Pathardi Police Station, District Ahmednagar on condition that he shall not tamper the prosecution evidence.

[M.G. SEWLIKAR, J.]