

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

ANTICIPATORY BAIL APPLICATION NO.198 OF 2022

WAHEDKHAN JAFARKHAN PATHAN

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. R.N. Dhorde, Senior Counsel i/b Mr. V.R. Dhorde, Advocate for the
applicant

Mrs. V.N. Patil-Jadhav, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

RESERVED ON : 11th MARCH, 2022

PRONOUNCED ON : 15th MARCH, 2022

ORDER :

1 The applicant is apprehending his arrest in connection with Crime No.1/2022 dated 01.01.2022 registered with Parali Rural Police Station, Dist. Beed, for the offence punishable under Section 307, 353, 504, 506, 143, 147, 149, 279, 283, 427 of the Indian Penal Code, 1860 and under Section 3 of the Prevention of Damage to Public Property Act, 1984.

2 Heard learned Senior Counsel Mr. R.N. Dhorde instructed by learned Advocate Mr. V.R. Dhorde for the applicant and learned APP Mrs. V.N.

Patil-Jadhav for the respondent.

3 It has been vehemently submitted on behalf of the applicant that the name of the applicant is stated to have been disclosed by co-accused. There is no number of the car of the applicant, though it is stated that a black coloured car had also come and abused and misbehaved with the Lady Police Constables. The applicant is a Government Contractor and he has nothing to do with the alleged incident. Police have seized one of the vehicles and it is hard to believe that the police could not notice the vehicle number of the said black coloured vehicle. There is no question of tampering with the evidence of the prosecution, as all the witnesses are only the police persons. The accused, who was arrested, is one Achyut Murkute and on the basis of his statement other accused persons have also been apprehended. The applicant does not own or possess any black coloured vehicle nor even acquainted with a person who is owner of such vehicle. He has been unnecessarily roped in the case. He is ready to abide by the terms of the bail.

4 Learned APP has strongly opposed the application and submitted that on the day of incident the team of police consisting some male as well as female personnel were patrolling at the night time of 31.12.2021, that is, to prevent any untoward incident, at the time of celebration of new year. At the

time of Nakabandi they found one Tata Nexon white car bearing No.MH 44/T-4599 coming from Parali to Gangakhed. That person had not put seat belt and, therefore, he was asked to take his vehicle towards left. He avoided and started arguing by keeping his vehicle in the middle of the road. Thereafter he took his vehicle towards left and when it was asked that he should get down and show the dicky, he was not ready to get down. He gave phone call to somebody and within 10-15 minutes another four wheeler of black colour came from Gangakhed. It had tried to run over the lady constables but they shamed themselves by moving fast. Thereafter the driver parked car in the middle of the road, from which four persons get down. They started abusing and the car driver of the Tata Nexon also joined them in the abuses. When the police tried to shoot the incident on mobile, the mobile was snatched and put down with force, causing damage to the same. Police Naik Mr. Chate was manhandled and thereafter the E-challan machine and printer was thrown on the ground. By saying that the lady police constables should be put in the car all those persons sat in the car. The black coloured vehicle went fast by trying to run over the police staff persons. But again they rescued themselves. The black coloured vehicle went towards Parali, whereas the white coloured vehicle went towards Gangakhed, but police had managed to caught hold of one person by name Achyut Murkute. He refused to give the number of the black coloured vehicle. He had thereafter caused

damage to the Government vehicle when he was asked to sit in the police van. Thereafter, again when inquiry was made with him, he told that one person from the vehicle was Wahedkhan i.e. present applicant and another is Ashok Tidke. The learned APP submitted that the words those were used by seeing the lady constables are highly objectionable. The custodial interrogation is necessary. So also, taking into consideration the manner, in which the offence has been committed, shows that the applicant has no regards to the police and could go against them. He does not deserve to be released on anticipatory bail.

5 As the contents of the First Information Report are reflected in the above paragraph, they are not reproduced here. It appears from the police papers that the black coloured vehicle has been identified as MG Hector and it belongs to Ashok Tidke. He is yet to be arrested. The applicant has not disclosed what is the relationship between him and Achyut Murkute, but, as per the prosecution, applicant had come to the spot after Achyut Murkute or the driver of the Tata Nexon had called the other persons. No doubt, the offence appears to be serious, but then when it comes to the fact that nothing is required to be seized from the present applicant and his connection with Ashok Tidke as well as Achyut Murkute is yet to be established, he deserves to be protected. Imposition of stringent conditions

would be in the interest of justice. Hence, following order.

ORDER

1 Application stands allowed.

2 In the event of arrest of the applicant viz. **Wahedkhan Jafarkhan Pathan**, in connection with Crime No.1/2022 dated 01.01.2022 registered with Parali Rural Police Station, Dist. Beed, for the offence punishable under Section 307, 353, 504, 506, 143, 147, 149, 279, 283, 427 of the Indian Penal Code, 1860 and under Section 3 of the Prevention of Damage to Public Property Act, 1984, he be released on P.R. of Rs.50,000/- (Rupees Fifty Thousand only) with two solvent sureties of Rs.25,000/- (Rupees Twenty Five Thousand only) each.

3 The applicant shall not indulge in any criminal activity nor he should tamper with the prosecution evidence, in any manner.

4 He shall co-operate with the investigation and should attend concerned Police Station on every Monday, Wednesday and Friday between 10.00 a.m. to 02.00 p.m., till filing of the charge sheet.

5 He shall not leave India without permission of learned Sessions

Judge, Beed or any Additional Sessions Judge to whom the case would be made over after filing of charge sheet.

(Smt. Vibha Kankanwadi, J.)

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