

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.227 OF 2022

AKSHAY S/O BHAGWAN SHELKE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. D. B. Pokale
APP for Respondent-State : Mr. V. M. Kagne

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CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving the Order :
10-03-2022**

**Date of Pronouncing the Order :
08-04-2022**

ORDER :

1. The applicant is apprehending his arrest in connection with Crime No.54 of 2022, dated 01-02-2022, registered with Police Station, Georai, District Beed, for the offence punishable under Section 353, 323, 504, 506 r.w.34 of IPC.
2. Heard learned Advocate Mr. D. B. Pokale for applicant and learned APP Mr. V. M. Kagne for respondent-State.
3. It has been vehemently submitted on behalf of the applicant that

the applicant has been falsely implicated. There is delay in lodging the FIR by one day. The applicant is innocent. He was aspirant of taking loan from the informant's bank, however, the informant was illegally demanding amount i.e. bribe for clearing his file. He had therefore filed complaint with Tahsildar, Superintendent of Police, Guardian Minister, District Collector etc., and therefore, in order to take revenge, it appears that the informant has lodged the report. The applicant is patient of anxiety spectrum disorder and he is taking treatment from Dr. Vikrant Patankar at Aurangabad. The applicant is also appearing for competitive exams and he is a student. His future would be ruined if he is arrested. Applicant is ready to abide by the terms of the bail. He has produced all the necessary documents to support his contentions.

4. Per contra, the learned APP strongly opposed the application and submitted that the applicant is absconding since the lodging of the FIR. Even prior to the incident he had gone to the bank, abused the manager, and threatened the staff. Non-cognizable complaint was filed against him on 06-10-2021. By pressurizing tactics it appears that he want the loan to be sanctioned. Thereafter, on 01-02-2022 it appears that his father also joined him. It has been

transpired that even prior to the present loan application, the accused persons had taken loan from the bank in 2015 and it is still outstanding. Custodial interrogation is necessary, so also when he can give threats to a public servant then possibility of commission of the same crime, cannot be ruled out if he is released on bail. Statements of witnesses i.e. the staff members would show that how the applicant was behaving with them.

5. It appears from the documents which have been produced on record that the applicant is taking treatment for anxiety spectrum disorder, however, still he is pursuing his education, and therefore, that disease has not obstructed his routine and also the mental state. If he can give the exams by studying, he cannot state that his mental condition is not proper. As per FIR, the present applicant was not asking for loan in his name, but it is in the name of his brother. On 31-01-2022 he had abused and pushed the Bank Manager/ informant and gave threat the he should sanction loan to his brother. On the next day, it appears that the applicant along with his father went to bank around 12.00 p.m. and both of them by abusing told that the said loan file should be sanctioned. They had given threat to the informant and also to the staff. The complaint

that was made by the applicant to the Divisional Office on 23-08-2021, it is stated that he had demanded amount of Rs.50,000/- as loan, however, his file was returned on the ground that there are shortcomings. This appears to be some different transaction than the file which was taken by the applicant on 31-01-2022. All those communication to Collector, Superintendent of Police, Guardian Minister appear to be in respect of the applicant and not in respect of the brother of the applicant. Why the applicant or his brother were insisting that the loan should be granted to them by a particular branch of the particular bank, is a question. When orally asked, it was told by the learned Advocate for the applicant that there is no other bank in the said village. But it can be taken from some other bank also having jurisdiction over the said village. This insistence by the applicant is not convincing. Further, the behaviour of the applicant with the public officer of the rank of Branch Manager is absolutely not justified. When there were legitimate means and ways available for applicant to make grievance against Branch Manager, he has not adopted the same. The statements of the staff members would show that the applicant had misbehaved with the informant and had pushed him and also threatened the staff members. Prima facie offence under Section 353 of IPC is made

out, and therefore, this cannot be the fit case where extraordinary discretionary powers should be exercised in favour of the applicant. Hence, application stands rejected.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.