

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.276 OF 2022

BALU S/O BHAUSAHEB DHASAL
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Applicant : Mr. S. S. Kulkarni
APP for Respondent-State : Mr. B. V. Virdhe
.....

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 17-03-2022

ORDER :

1. The applicant is apprehending his arrest in connection with Crime No.236 of 2022, dated 23-12-2021, registered with Hasnabad Police Station, District Jalna, for the offence punishable under Section 332, 353, 379 r.w.34 of IPC.
2. Heard learned Advocate Mr. S. S. Kulkarni for applicant and learned APP Mr. B. V. Virdhe 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 has been lodged by one Harichandra Jagannath Ingale who is serving as Talathi with Bhokardan Tahsil Office, District Jalna. One tractor and owner were found by the team and after interception then had found that the

tractor filled with sand which appear to be illegally excavated. That person had assaulted the informant and had fled away with the tractor by unloading the sand at the spot. It is stated that the revenue team was assaulted. As regards the present applicant is concerned, it is stated that after co-accused Vitthal Kolhe who was driving the tractor was intercepted, he called owner of the tractor Balu @ Namdeo Ankush Gadheand. After Balu Gadhe arrived, he told that he will not take the tractor anywhere. Then it is stated that the tractor driver Vitthal Kolhe and the present applicant rushed towards the person of the revenue team, assaulted them causing covert injury as well as bleeding injury. Entire FIR shows that there was only one tractor and it is stated to have been driven by co-accused Vitthal Kolhe, but the presence of the applicant is stated. In which capacity the applicant was present at that place, has not been explained by the informant.

4. Taking into consideration the contents of the FIR, since nothing is required to be recovered from the applicant, and the applicant is having permanent place of abode, this Court had granted interim protection to the applicant on 03-03-2022. The applicant had shown repentance and readiness to deposit amount of

Rs.5000/- with the High Court Legal Services Sub-Committee, Aurangabad, and then actually deposited the such amount for the acts alleged against him. He deserves to be protected and the interim order deserves to be confirmed, accordingly it is confirmed.

ORDER

- 1) Application is hereby allowed.
- 2) The interim protection granted by this Court on 03-03-2022 to the present applicant Balu Bhausahab Dhasal is hereby confirmed. In other words, in the event of arrest of applicant in connection with Crime No.236 of 2021, registered with Hasnabad Police Station, District Jalna, for the offence punishable under Section 332, 353, 379 r.w.34 of the IPC, he be released on PR of Rs.30,000/- with two sureties of Rs.15,000/- each.
- 3) He shall not tamper with the evidence of the prosecution in any manner and shall not indulge in any criminal activity.
- 4) He should cooperate with the investigation and shall remain present before the Investigating Officer as and when called.

**(SMT. VIBHA KANKANWADI)
JUDGE**

vjg/-.