

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 ANTICIPATORY BAIL APPLICATION NO.361 OF 2022

ANNA HIRALAL MAGRE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. A.K. Bhosle, Advocate for the applicant

Mr. V.M. Kagne, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 07th APRIL, 2022

PER COURT :

1 The applicant is apprehending his arrest in connection with Crime No.78/2022 dated 28.02.2022 registered with Karmad Police Station, Dist. Aurangabad, for the offence punishable under Section 332, 353, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and under Section 122, 177 of the Motor Vehicle Act, 1988.

2 Heard learned Advocate Mr. A.K. Bhosle for the applicant and learned APP Mr. V.M. Kagne for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 First Information Report has been lodged by Assistant Police Inspector Baba Bhilu Rathod attached to Karmad Police Station. He along with other police persons were patrolling and when the applicant was intercepted, the applicant disclosed his name, refused to get down from the car and threatened them. When again he was requested to get down from the car, he along with another person arrogantly behaved with the police. He caught hold of the collar of the informant and started abusing. He along with the another person were thereafter tried to be taken in police jeep to Police Station, even at that time the present applicant was behaving arrogantly, giving threat that he would jump from the Government vehicle. Therefore, the driver took the jeep by the side of the road and then the applicant and another person by pushing the Police Officers fled away from the car, which was following them. The car number has also been given.

4 The applicant states that he has been falsely implicated and application is objected on the ground that he has criminal antecedents. Following offences are pending against the applicant.

1) **Crime No.1/2015** registered with Chikalthana Police Station, Aurangabad, for the offence punishable under Section 4, 5 of the Maharashtra Prevention of Gambling Act, 1887.

2) **Crime No.107/2016** registered with Mukundwadi Police

Station, Aurangabad for the offence punishable under Section 376, 323, 504, 506 of the Indian Penal Code, 1860 and under Section 5 of the Immoral Traffic (Prevention) Act, 1956.

3) **Crime No.184/2018** registered with City Chowk Police Station, Aurangabad, for the offence punishable under Section 3, 4 of the Maharashtra Prevention of Gambling Act, 1887

It is to be noted that nothing is required to be recovered from the applicant. No doubt, there appears to be evidence against the applicant in the form of the statements of the police party as well as the video recording has been done while the applicant was being carried away. However, as per the panchnama that act on the part of the applicant is abusing and talking in argument language and arrogantly. As regards use of criminal force is concerned, it is stated that he had caught hold of the collar of the shirt of the informant. Taking into consideration the fact that there is fixed place of abode as against the applicant and the fact that he is disputing his presence and stating that false implication is there, he deserves to be released on bail.

5 Another fact to be noted is that the learned Advocate for the applicant in the alternative has made submission that in order to show the bona fides the applicant is ready to deposit amount with any institution as a marks of remorse and, therefore, asking him to deposit the amount would be

another alternative. No doubt, in general when there is some evidence against the applicant, the Courts are expected not to use the discretion in favour of such person. However, when nothing is required to be recovered and making him available for the investigation would suffice the ends of justice. With these observations, following order is passed.

ORDER

1 Application stands allowed.

2 In the event of arrest of the applicant viz. **Anna Hiralal Magre**, in connection with Crime No.78/2022 dated 28.02.2022 registered with Karmad Police Station, Dist. Aurangabad, for the offence punishable under Section 332, 353, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and under Section 122, 177 of the Motor Vehicle Act, 1988, he be released on P.R. Bond of Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- (Rupees Fifteen 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 should cooperate with the investigation and shall attend Karmad Police Station, on every Sunday, between 10.00 a.m. to 02.00 p.m.,

till filing of charge sheet.

5 Applicant should deposit amount of Rs.10,000/- (Rupees Ten Thousand only) with the High Court Legal Services Sub-Committee, Aurangabad, on or before 12.04.2022.

6 If the amount is not deposited, which is by virtue of voluntary statement, then, the protection granted to the applicant would stand cancelled.

(Smt. Vibha Kankanwadi, J.)

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