

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

ANTICIPATORY BAIL APPLICATION NO.512 OF 2022

Gulab Shravan Koli

...Applicant

VERSUS

The State of Maharashtra

...Respondent

...

Mr. A.S. Radikar, Advocate for the applicant.

Mr. S.B. Narwade, APP for the respondent-State.

...

CORAM : S.G. MEHARE, J.

DATED : 14th JULY, 2022.

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. The complainant is a whistle blower against the sand mafia. It has been alleged against the applicant that he assaulted the complainant as he was complaining against one of the co-accused of illegal excavation of sand and taking its photographs. On the date of incident, all the accused went to his house and one of the co-accused assaulted him with a sword-stick. However, the present applicant is not named in the FIR. He is one of the relatives of the co-accused.
3. Learned counsel for the applicant would submit that that no serious injury was caused to the complainant. The applicant has been falsely implicated in the crime being a relative of the co-accused. He has not been named in the FIR. Nothing is to be recovered from

him. The similarly situated co-accused have been released on anticipatory bail by this Court. Therefore, the application may be allowed.

4. Per contra, the learned APP would argue that the applicant is a whistle blower and helping the government preventing the crime of stealing and unauthorized excavation of sand. The FIR itself shows that the accused had created a terror. They have forcefully entered into the house of the complainant and mercilessly beaten him. This is nothing but an attempt to discourage the honest citizens who helps the administration in preventing the crime. Though the injuries are not serious, but all the accused were most aggressive. In such a situation, the protection as prayed cannot be granted.

5. There appears substance in the submission of the learned APP that the terror was created by the accused. The person who is a whistle blower and preventing the unauthorized excavation of the sand has been assaulted by many persons at a time and they have also entered into the house of the complainant. The overall conduct of the accused reveals that they were aggressive and trying to discourage the complainant from supporting the administration. However, the law as regards to the bail is concerned, it has to be examined what role has been played by the applicant. The nature of injuries sustained to the complainant and on that basis, the bail applications are

considered. Though the acts of the accused were most aggressive, the name of the applicant was not in the FIR. However, subsequently the complainant learnt the name of the applicant. The FIR reveals that the applicant has used no weapon, therefore, nothing is to be recovered from him. The injuries are simple in nature. The similarly situated accused have been released on anticipatory bail by this Court.

6. In the light of the factual aspects of this matter, this Court is of the view that custodial interrogation of the applicant is not essential. The applicant has good case for protection. Hence, the following order :

ORDER

(A) The Application is allowed.

(B) In the event of arrest, the applicant, Gulab Shravan Koli, be released on bail, on executing PB. and S.B. of Rs.20,000/- (Twenty Thousand) with one solvent surety in the like amount in Crime No.244 of 2021, registered with Sindkheda Police Station, District Dhule for offences punishable under Section 307, 452, 143, 147, 148, 149, 323, 504, 506 and 427 of the Indian Penal Code,, on the condition that he shall attend the police station as and when called by the Investigating Officer on written notice and shall not tamper with the prosecution witnesses.

(S.G. MEHARE, J.)