

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

938 ANTICIPATORY BAIL APPLICATION NO.571 OF 2022

SANDIP SANJAY RATHOD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Patil Nileshsingh J.
APP for Respondent-State : Mr. V. S. Badakh
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 06-05-2022

ORDER :

1. Heard learned Advocate Mr. N. J. Patil for applicants and learned APP Mr. V. S. Badakh for respondent-State.
2. Learned APP strongly opposes the application. Learned APP submits that the matter is coming for the first time and he is not armed with all the papers, however, taking into consideration the contents of the FIR, specific role has been attributed to the applicants.
3. Perusal of the FIR would show that it is lodged by ASI Sudhir Bhausaheb Mote attached to Naldurg Police Station, District Osmanabad. It is stated that when the police were on Bandobast duty at Bhavani Chowk, they were also taking action against those vehicle drivers who were violating the Motor Vehicles Act. Such case was tried to be lodged against applicant Sandip, and then it is stated that he had

left. But, thereafter, after about two hours when the informant along with constable were patrolling and going towards Bus Stand, he was stopped by a person and at that time all the three accused went near to him. Applicant No.1 started asking him as to why he has been prosecuted, and thereafter, the accused No.1 Sushil stated that informant will not be kept alive, applicant No.2 caught hold of him and pelted stone on his head. Applicant No.1 pelted stone on the back and in that process further act has been done. Accused No.1 brought sword and went towards the informant for giving a blow, but at that time another police person caught hold of him, but he had assaulted that police officer also. Thereafter, the other police persons gathered.

4. There are specific allegations against present applicants. Though Section 307 of IPC might be especially against accused No.1, but then when the police officer was doing his duty, criminal force has been used against him, and therefore, this is not a fit case where the extraordinary discretionary relief should be granted. Hence, application stands rejected at the threshold.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.