

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.607 OF 2022

SUMIT SHANKAR GOPALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Amol S. Sawant
APP for Respondent - State : Ms. V. S. Choudahri

...
WITH ABA/609/2022

YOGESH GOPINATH GOPALE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Amol S. Sawant
APP for Respondent - State : Ms. V. S. Choudahri

...
WITH ABA/573/2022

KAMLESH @ SHIVAM MANOHAR BADHE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Shaikh Mazhar A. Jahagirdar
APP for Respondent - State : Ms. V. S. Choudahri

...
WITH ABA/579/2022

1. SANKET @ SHUBHAM S/O. RAJU @ RAJESH GOPALE
2. RUSHIKESH S/O. RAJESH GOPALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Narayan B. Narwade
APP for Respondent - State : Ms. V. S. Choudahri

CORAM : S. G. MEHARE, J.

DATE : 16-06-2022

PER COURT :-

Heard the learned Counsel for the respective applicants and the learned A.P.P. for the respondent – State.

2. The first information report reveals that the incident happened in Tamasha and few people were complaining that they were unable to watch, therefore, the complainant tried to convince the persons dancing there not to dance. The public became uncontrolled and the incident happened. All the persons named in the FIR were present there and it is alleged against them that they have obstructed and deterred the public servant from discharging duty. The allegations of pushing the public servant, abusing him in filthy language and beating him by fists and blows have also been made.

3. Learned Counsel for the respective applicants would submit that it was the incident happened at the place of entertainment. There were more than 100 persons who started dancing in Tamasha and few persons were enjoying the Tamasha. The applicants have not committed any offence. Even otherwise, considering the allegations in the first information report, nothing is to be recovered and discovered from the applicants. Hence, they may be released on bail.

4. Per contra, the learned A.P.P. for respondent – State resisted the applications contending that the offence is serious. The public servant has been assaulted. The incident affected the law and order. There should be apprehension in the mind of the applicants and others that no such acts are tolerated by the Government.

5. There appears substance in the submissions of learned Counsel for the applicants. The incident happened in Tamasha, where the people were dancing and few were complaining that they were unable to watch. Even if, the contents of the FIR are accepted as it is, there is nothing to show that the custodial interrogation of the applicants is required. The Investigating officer has specifically mentioned the names of the applicants in the FIR. Though the offence is serious, the norms for custodial interrogation are not fulfilled. Hence, the applications deserve to be allowed. Therefore, the following order -

- i) Criminal Applications are allowed.
- ii) In the event of arrest of applicants – (1) Sumit Shankar Gopale, (2) Yogesh Gopinath Gopale, (3) Ramdas Karbhari Gopale, (4) Atul Kacharu Khose, (5) Sanket Suresh @ Bhau Khose, (6) Dnyandeo Laxman Gopale, (7) Khandu Subhash Hinge, (8) Kamlesh @ Shivam Manohar Badhe, (9) Sanket @ Shubnham s/o. Raju @ Rajesh Gopale and

(10) Rushikesh s/o. Rajesh Gopale, shall be released on bail, on each of them executing PB and SB of Rs.15,000/- with one solvent surety of the like amount, in connection with C.R.No. 0283 of 2022 registered with Parner Police Station, Parner, Taluka Parner, District Ahmednagar, for the offences punishable under Sections 107, 143, 147, 149, 160, 186, 294, 323, 353 and 504 of the Indian Penal Code.

iii) *Humdast* allowed.

**(S. G. MEHARE)
JUDGE**

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