

(1)

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

924 ANTICIPATORY BAIL APPLICATION NO.611 OF 2022

**SHRIKRISHNA NAMDEO WAGH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. N.B. Narwade, Advocate holding for Mr. C.K. Shinde, Advocate
for applicant;
Ms. V.S. Choudhari , A.P.P. for respondents

CORAM : S. G. MEHARE, J.

DATE : 17th June, 2022

P.C.

1. Heard the learned Counsel for the applicant and the learned
A.P.P. for the respondents.

2. There was a dispute between the two families, namely, the
family of the applicant and the family of Sargad. Out of their
quarrel, they had lodged reports against each other. However,
cognizance was taken by the police on the report of Sargad family and
no cognizance was taken on the report of the family of the applicant.
Therefore, the applicant had made a complaint against the police to
their higher authorities and consequently the cognizance was taken.

(2)

It is alleged in the first information report that the complainant, a Police Head Constable and other staff, had been to the house of the applicant to serve a notice in connection with the crime registered against them. However, instead of receiving the notice, they twisted the right hand of the complainant and fell him down. The attempt was made to obstruct the public servant from discharging his duty by lying beneath the police vehicle.

3. Learned Counsel for the applicant submits that nothing is to be recovered or discovered from the applicant. A false report is lodged against the applicant only due to the complaint made by him against the police for not taking cognizance on his report. He, therefore, prays to confirm the interim protection granted in favour of the applicant.

4. Per contra, the learned A.P.P. would submit that there is no question of favour and disfavour to either of the parties. It was the part of the investigation, hence the complainant had been to the place of the applicant asking him to receive the notice, but instead of accepting it, he has committed the acts as alleged in the first

(3)

information report. It is an apparent deterrence to the public servant restraining him from discharging his duty. The offence is apparently serious. Hence, this is not a fit case to grant anticipatory bail to the applicant.

5. The discussion as aforesaid reveals that the incident as alleged happened out of the quarrel between the two families. However, the fact remains that there are no allegations of use of any weapon except twisting hands and lying down beneath the police vehicle. No purpose would be served if the prosecution is allowed to arrest the applicant, for the reason that nothing is to be recovered and discovered from the applicant. Hence, the application deserves to be allowed. I, therefore, pass the following order:-

- i) The Application stands allowed.
- ii) The interim protection granted to the applicant by order dated 13.5.2022 stands confirmed on the same terms of bail, on the condition that he shall attend the concerned police station on every Monday and

(4)

Thursday from coming Monday, viz. 20.6.2022, between 11.00 a.m.
and 1.00 p.m., till the last Monday of the month of June, 2022.

(S. G. MEHARE, J.)

amj