

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

ANTICIPATORY BAIL APPLICATION NO.619 OF 2022

Ganesh Bhivsen Zende

...Applicant

VERSUS

The State of Maharashtra

...Respondent

...

Mr. Rahul R. Karpe, Advocate for the applicant.

Mr. A.A. Jagatkar, APP for the respondent-State.

...

CORAM : S.G. MEHARE, J.

DATED : 16th JUNE, 2022.

PER COURT:-

1. Learned counsel for the applicant has vehemently argued that the false report has been lodged against the applicant to counter the report lodged by him against the complainant for seeking bribe. He was going to the office of the complainant time and again and requesting to take the entry in the revenue record on the basis of an order passed by Sub Divisional Officer on 21.01.2012. The Talathi was demanding him bribe, however, he was not willing to pay. The applicant was irritated by the public servant. Since 2012, many times he went to the office of the Talathi but the Talathi was not co-operating with him. In fact, the applicant was harassed by the complainant. He would refer to the report lodged with the Police Superintendent, Anti Corruption, Ahmednagar and the order of the Sub Divisional Officer dated 21.01.2012. He also vehemently argued

that nothing is to be recovered and discovered from the applicant. The incident happened in a fit of anger due to the conduct of the complainant. Hence, he may be protected.

2. Learned APP has strongly opposed the application contending that the material collected by the Investigation Officer prima facie proves that the applicant was aggressive. He has not only beaten the complainant but has also damaged the valuable property of the government. There are eye witnesses to the alleged incident. Besides this, there are seven crimes at the discredit of the applicant. He is involved in various illegal businesses like liquor and petrol. He specifically pointed out that same type of offence dotering the public servant was also registered against the applicant. Having regard to the aggression, though nothing is to be recovered and discovered from the applicant, it would be unsafe to release him on bail.

3. Perused the papers produced by the learned APP. There appears force in his submission that this is a case wherein the applicant is involved in repeated crimes and one of them was the crime as in the present case. He also correctly pointed out that the huge loss/damage was sustained to the government property. After committing the offence, he has created a story of demand of bribe and filed the false report. There are counter reports against each other on the same day. The aggression of the applicant and his earlier conduct and involvement in the various crimes is a strong circumstance in favour of the prosecution. The aggression of the applicant may

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interfere the investigation. Considering the overall facts of the case, conduct of the applicant and the way in which the offence is committed, this Court is not inclined to grant the anticipatory bail to the applicant. Hence, the application stands dismissed.

(S.G. MEHARE, J.)