

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

ANTICIPATORY BAIL APPLICATION NO.946 OF 2022

MANSING CHATRU RATHOD

..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER..RESPONDENTS

...

Mr. Paresh B. Patil (Borse), Advocate for the
Applicant.

Ms. V. S. Choudhari, APP for Respondents-State.

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CORAM : S. G. MEHARE, J.

DATED : 24th AUGUST, 2022.

PER COURT:-

1. Heard learned counsel for the applicant and the learned A.P.P. for the respondent-State.

2. The allegations against the applicant are that there was encroachment in the Government field mentioned in the FIR over 30 to 40 years; however, the applicant did not inform higher officer about such encroachment. The fact has been revealed after 30 to 40 years after the alleged encroachment. The applicant was the Circle Inspector and now retired. The encroachment register is lying in the office. Therefore, Anticipatory Bail may be granted to him.

3. The learned APP strongly oppose the application contending that the applicant has

played fraud with the Government and suppressed the material fact of encroachment by the villagers, whereby the matter was to be inquired by the Lokayukta. The register of encroachment was not maintained by the applicant. Therefore, he is not entitled to Anticipatory Bail.

4. Perused the papers placed on record. It reveals that on an inquiry it was transpired that the applicant failed to discharge his duty to maintain the encroachment register and intimate the higher officer. Except this, there are no allegations against the applicant. Therefore, it cannot be said that the prosecution has a case for custodial interrogation. Hence, the following order:

ORDER

- a. The application is allowed.
- b. The interim protection granted to the applicant by order dated 22.07.2022 is confirmed on the same terms and conditions of the bail bond.

(S. G. MEHARE)
JUDGE