

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

934 ANTICIPATORY BAIL APPLICATION NO.963 OF 2022

**DATTA SAMBHAJI KADAM
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Applicant : Mr. Shaikh Wajeed Ahmed
APP for Respondent State: Mr. V. M. Kagne**

**CORAM : S. G. MEHARE, J.
DATE : 5th AUGUST, 2022**

ORDER:

1. Heard learned counsel for the applicant and learned APP for the State.
2. It has been alleged that two families were fighting at a public place. Police were pacifying them. However, the applicant instigated one of the groups. They did not listen the police. The police did nothing against them. Any how the police managed to bring the two groups to the police station. When those persons were brought to the police station, the applicant shouted there at the police. Further, it has been alleged in the first information report that Police Station Incharge asked the persons who were fighting to give report but they told him that their dispute has been settled and they did not want to report against each other and they have given it in writing. However, since there was affray at the public place, crime has been registered against

both of them. It has been alleged that the applicant has uttered indecent word against a police constable and pushed him in such a way that he has deterred public servant from discharging his official duties.

3. The learned counsel for the applicant would submit that the applicant, in fact, has settled the dispute between two groups but the police did not like it. The parties have also given in writing to the Police that they do not want to file complaint against anybody. Even then the police registered a false criminal case against them. Since there were criminal cases against the applicant, the police have cooked a false story that the applicant instigated the groups to kill one another. He has argued that the dispute between the two groups was settled. The applicant has no reason to interfere with the investigation.

4. The learned APP has strongly opposed the application. He has explained that at the time of incident, there were 100 plus persons in the police station. Law and order was out of control. Therefore, the police did not arrest the applicant immediately though he was in the police station itself. He has vehemently argued that there are N-number of cases against the applicant. He always disturbed the law and orders. On the day of incident also, he has tried to instigate the public against the public servants. He has pushed the public servant. Therefore, custodial interrogation of the applicant is necessary.

5. The learned counsel for the applicant has fairly conceded that there are crimes to his discredit. He has come with a specific case that the applicant has actually played the role in settling down the quarrel between the two groups. The police could not control the persons who were quarreling.

6. There appears substance in the argument of learned counsel for the applicant that once the dispute between the parties has been settled, the applicant has no reason to deter the public servants from discharging their duties. It appears that the applicant played some different role. Be that as it may, having regard to the allegations against the applicant, this court is of the view that this is not a fit case to deny anticipatory bail. Hence, the following order.

ORDER

- (i) The application is allowed.
- (ii) Interim protection granted to the applicant by order dated 26th July, 2022 is confirmed on the condition that the applicant shall attend the Police Station on 10th 11th and 12th August, 2022 between 10.00 am. to 01.00 p.m.

(S. G. MEHARE, J.)

JPChavan