

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1263 OF 2022

PRADIP SUBHASH PATEKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. K. R. Gavhane h/f.
Mr. Narendra B. Patekar
APP for Respondent : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 03-10-2022

PER COURT :-

1. Heard Mr. Gavhane, learned counsel holding for Mr. Patekar, the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. Mr. Gavhane, the learned counsel appearing for the applicant has vehemently argued that considering the allegations levelled against the applicant nothing is to be recovered from him. No weapon has been allegedly used in the crime.
3. The learned A.P.P. for the respondent has opposed the application contending that the applicant has deterred the public servant from discharging the duty. However, he has no material to show that the custodial interrogation of the applicant is essential.

4. The facts have been discussed in detail in the order dated 26.09.2022. Considering the allegations levelled against the applicant, it appears that he has simply opposed the employees of M.S.E.D.C.L. from laying cable and he did not accede the request made by the staff of the complainant. Considering the allegations in-toto, the application deserves to be allowed. Hence, the following order :-

- i) The application is allowed.
- ii) The *interim* protection granted to the applicant by the order dated 26.09.2022 is confirmed on the same terms and conditions.

(S. G. MEHARE)
JUDGE

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