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

**ANTICIPATORY BAIL APPLICATION NO.1311 OF 2022
WITH APPLN/3405/2022 IN ABA/1311/2022**

**JITENDRASING HARSING RAJPUT
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Bachate Pralhad D.
APP for Respondent/State : Mr. K.S. Patil
Advocate for Complainant : Mr. A.V. Hon

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CORAM : S.G. MEHARE, J.

DATED : 07th OCTOBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.
2. It has been alleged against the applicant that on the day of incident, the applicant went to the office where the complainant was working as Incharge Deputy Registrar Co-operative Society, Dhule. The applicant has a limited duty to examine the proposals. The insurance policy was not attached with the proposal submitted by the applicant, therefore, he pointed out to the applicant that for want of insurance policy, his proposal cannot be forwarded ahead. Therefore, the applicant got annoyed. He abused in filthy language to the complainant and threatened him to kill. He hold his collar and slapped him. He also disturbed the papers lying on his office table.

3. Learned counsel for the applicant would submit that the applicant was unable to walk. Remdesivir was injected to him during Covid-19. A false report has been lodged against him.

4. Learned APP has strongly opposed the application contending that there are eye witnesses to the incident. The applicant had created the terror in the office and nearby area. He interrupted the public servant from discharging his duties. Hence, he is not entitled to the anticipatory bail.

5. Learned counsel Shri A.V. Hon for the complainant has vehemently opposed the application contending that the way in which the applicant behaved itself is sufficient to refuse the anticipatory bail. He assaulted the complainant. The complainant was discharging his duties. He is not the authority to sanction the grade to the society as the applicant was expecting. However, suddenly the applicant took the law in his hands and started abusing him and slapped him. The offence is serious. Hence, the application deserves to be dismissed.

6. Perused the papers produced by the learned APP as well as the applicant. Even if it is assumed that the incident happened, the question is about the custodial interrogation of the applicant. It has been alleged that the applicant slapped the complainant and disturbed the papers lying on the office table. He abused him in filthy language. *Prima facie*, it appears that the incident happened but no weapon has been used. The purpose of custody should be served. It

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should not be a mere formality to arrest a person, produce him before the Magistrate and then sent him in magisterial custody. Since there is no material to have the custodial interrogation, the application deserves to be allowed. Therefore, the following order:

ORDER

- I) Application is allowed.
- II) The order granting interim protection to the applicant dated 29.09.2022 is confirmed on the same terms and conditions.
- III) Criminal Application No.3405 of 2022 is allowed.

(S.G. MEHARE, J.)

Mujaheed//