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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1320 OF 2022

Anil Jagannath Dhakne

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

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Mr. Narayan B. Narwade, Advocate for the applicant
Mr. S. P. Sonpawale, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th OCTOBER, 2022

ORDER :

1. The applicant, by this application, seeks pre-arrest bail in connection with Pathardi police station CR No. 842 of 2022 registered for the offence punishable under sections 353, 332, 323, 504, 506 of the Indian Penal Code.

2. It is the prosecution case that, on 25th August, 2022, the applicant went in the office of informant, who is working as Assistant Engineer in MSEDCL and questioned him as to how the applicant has received excess electricity bill and when the informant told him that he would send his employee to check the meter and if no fault is found in the meter, the applicant will

have to pay the electricity bill, the applicant, abused the informant and kicked the chair on which the informant was sitting due to which the informant fell down. Thereafter, the applicant caught hold of his collar and gave him 3-4 slaps. Employees of the MSEDCL, present there saved the informant from the applicant. Thereafter, the applicant left the office by giving threats of life to the informant.

3. Heard learned advocate for the applicant and the learned Additional Public Prosecutor for the State. Perused the investigation papers.

4. The allegations in the FIR are supported by the statements of seven eye witnesses present at the spot. Commission of serious offence, of assaulting on duty public servant in his office, is alleged against the applicant. Investigation papers *prima faice* reveal that the offence, as alleged by the informant, has taken place.

5. In that view of the matter, this Court is not inclined to grant discretionary relief under section 438 of the Criminal Procedure Code, to the applicant. The application is, therefore, rejected.

6. At this stage, learned advocate for the applicant seeks

continuation of the interim protection granted by this Court to the applicant, on 30th September, 2022, for a period of three weeks, so as to enable the applicant to approach the Hon'ble Apex Court. Interim protection granted by this Court shall continue for a period of three weeks from today only for the purpose of enabling the applicant to approach the Apex Court.

[NITIN B. SURYAWANSHI]
JUDGE

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