

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1343 OF 2022

Shekhar Raosaheb Sase

...Applicant

Versus

The State Of Maharashtra

...Respondent

Mr. R.R. Karpe, Advocate for the applicant.

Mr. S.P. Sonpawale, APP for State.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th NOVEMBER, 2022

ORDER :

1. The applicant apprehends arrest in connection with Crime No. 1010/2021 registered with Tofkhana Police Station, for the offences punishable under section 353, 186 and 189 of Indian Penal Code, 1860.

2. First Information Report in question is lodged by Circle Officer alleging that Circle Officer, Tahsildar, Talathi and other government servants intercepted one Truck (Dumper) carrying soft stones (Murum). On inquiry, driver of said truck disclosed that he does not have valid permit for carrying murum. When the driver was being interrogated one person came there

on Honda motorcycle and started misbehaving and manhandling the government servants. He threatened them with life and obstructed the government work. He asked truck driver to run away from the spot. Accordingly, the truck driver fled away from the spot with truck. When the informant and others tried to apprehend the person who arrived there on Honda motorcycle, he fled away from the spot by leaving the motorcycle. The informant and others took the cell phone of the truck driver and motorcycle and lodged the First Information Report.

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

4. The learned advocate for the applicant strenuously submitted that the applicant has no concern with the alleged offence and he has not committed any offence. He is falsely implicated in the alleged offence only on the basis of suspicion.

5. The learned Additional Public Prosecutor on the other hand submits that the person arrived on the motorcycle at the time of incident who misbehaved with the government officers

and instigated the driver to flee from the spot with Dumper is the applicant. His name was disclosed during the course of investigation. The applicant's custody is required for the investigation. Hence, application be rejected.

6. Perusal of investigation papers reveal that the applicant is the main accused who has obstructed the government work and has facilitated the truck driver to flee away from the spot with the truck .The applicant has committed serious offence and truck along with murum is yet to be recovered. In that view of the matter, the applicant is not entitled for discretionary relief of anticipatory bail.

7. The application is therefore rejected.

8. The applicant seeks continuation of interim protection. Interim protection to continue for a period of two weeks from today.

[NITIN B. SURYAWANSHI, J.]