

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1358 OF 2022

Mangesh Subhash Kawre And Others ...Applicants

Versus

The State Of Maharashtra & Another ...Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO. 1338 OF 2022

Mangesh Dnyandeo Auti ...Applicant

Versus

The State of Maharashtra ...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO. 1434 OF 2022

Vijay Sadashiv Auti ...Applicant

Versus

The State of Maharashtra & Another ...Respondents

Mr. Asif Iqbal Siddiqui, Advocate for the applicants in Application No. 1358/2022 and 1434/2022.

Mr. S.E. Shekade, Advocate for the applicant in Application No. 1338/2022.

Mr. V.S. Badakh, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 1st DECEMBER, 2022

ORDER :

1. The applicants apprehend their arrest in Crime No. 248/2022, registered with Parner Police Station, Ahmednagar, for

the offences punishable under sections 143, 147, 148, 149, 186, 189, 294, 332, 353, 504 and 506 of the Indian Penal Code.

2. First Information Report is lodged by Chief Officer of the Municipal Council alleging that the applicant-President of Municipal Council has slapped engineer Sachin Rajbhog and abused him in filthy language. The other applicants also participated in the alleged offence by slapping the engineer.

3. Heard the learned advocate for the applicants and learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. First Information Report is lodged on 06.04.2022 at 17.55 hrs., and incident took place on 05.04.2022 at 12.15 noon. In the First Information Report it is alleged that when the Chief Officer asked engineer Sachin Rajbhog to lodge First Information Report he refused to do so. Thereafter, police authorities asked the Chief Officer to lodge First Information Report. The Chief Officer has lodged the present First Information Report.

5. The investigation is complete and charge sheet in the present crime is filed. The applicant-President submits that out of political rivalry he is falsely implicated in the present crime. The learned advocate for the applicants has placed reliance on First Information Report lodged by sister-in-law of the applicant-President against engineer Sachin Rajbhog alleging commission of offence punishable under section 354 of the Indian Penal Code. Said First Information Report alleges that incident has occurred on 05.04.2022 at 10.30 am, whereas First Information Report is lodged on 08.04.2022.

6. Be that as it may, the offence alleged against the applicant is under section 353 of the Indian Penal Code, which is punishable for two years imprisonment or fine or with both. In the light of decision in Arnesh Kumar Vs. State of Bihar, 2014 8 SCC 273, pre-trial custodial detention of the applicants is not warranted in the facts of the present case. The applicants therefore deserve protection.

7. In the event of arrest of the applicants in connection with Crime No. 248/2022, registered with Parner Police Station, Ahmednagar, for the offences punishable under sections 143,

147, 148, 149, 186, 189, 294, 332, 353, 504 and 506 of the Indian Penal Code, the applicants shall be released on executing Personal Bonds of Rs. 15,000/- each with one surety each in the like amount. The applicants to attend the concerned police station as and when called by the investigating officer and shall co-operate in the investigation.

[NITIN B. SURYAWANSHI, J.]