

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

**ANTICIPATORY BAIL APPLICATION NO.1525 OF 2021**

1. Datta Sukhdeo Mane
  2. Ganesh Bhagwan Mandole
  3. Shankar Ramrao Padwal
- ... Applicants**

**Versus**

1. The State of Maharashtra
  2. The Superintendent of Police
- ... Respondents**

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Mr. A. S. More, Advocate for the applicant.  
Mr. V. M. Kagne, APP for the respondents – State.

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**CORAM : SMT. VIBHA KANKANWADI, J.**

**Reserved on : 17.01.2022**

**Pronounced on : 01.02.2022**

**PER COURT :-**

1. Heard learned Advocate Mr. A. S. More for the applicant and learned APP Mr. V. M. Kagne for the respondent – State.
2. Applicants are apprehending their arrest in connection with Crime No.320 of 2021 registered with Anandnagar Police Station Dist. Osmanabad, lodged by one Pandurang Machindra Patil, for the offence punishable under Sections 353, 332, 504, 506 read with Section 34 of Indian Penal Code.
3. It has been vehemently submitted on behalf of applicants that the applicants have been falsely implicated. On perusal of the FIR, it can be

seen that the applicants have not assaulted informant. In fact, the applicants raised their objection in respect of plying of bus as the employees of State Transport Corporation are on strike. Mere raising an objection would not attract the provisions of Section 353, 332 of Indian Penal Code. The applicants are serving as S.T. Driver and Conductor in the State Transport Corporation since a decade and there is no criminal antecedents to the applicants. If the applicants are arrested, their employment would be in jeopardy. There is no recovery at the instance of the applicants. Therefore, the custodial interrogation of the applicants is not necessary for the purpose of investigation. Further, the applicants have not played active role in the commission of crime. Further, even if for the sake of argument, it is accepted that there is some substance in the FIR, the applicants are repenting for the act and would compensate to the State or any other institution.

4. Per contra, the learned APP has strongly opposed the application, on the ground that the contents of the FIR and statements of the witnesses recorded so far disclose specific role of the applicants. Informant is the public servant and knowing it well, still the applicants had used criminal force against him to deter him from doing his official duty. Offence is serious and there is *prima facie* evidence against the applicants. They do not deserve pre-arrest bail.

5. Perusal of the FIR would show that the informant is serving as a Depot Manager at Osmanabad State Transport Depot. It has been stated that the employees of State Transport Corporation were on strike for the purpose of their demand of increment and absorption in the employment of State Government. On 27.11.2021, at about 12.00 p.m., when the State Transport employees were on strike, one driver, namely, Koli was entrusted to ply the bus from Osmanabad to Omerga, at that time, the Conductor, namely, Kawale had also rushed there and, therefore, the other employees who were on strike raised their objection regarding plying of bus. It has been further stated that the present applicants had assaulted and abused the informant and thereby caused obstruction into the public duty of the informant. The informant sustained injuries. Hence, the FIR has been lodged against the present applicants.

6. Taking into consideration the facts of the case, the physical custody of the applicants may not be required for the purpose of investigation and the purpose would be served, if attendance is given. The defence raised by the applicants need not be considered, at this stage, as they have to establish the same during the course of trial. However, it can certainly said that nobody should indulge in the act of deterring a public servant. Therefore, even while granting protection of pre-arrest bail to the applicants, conditions deserve to be imposed on them. Hence, following order.

**ORDER**

- I) Application stands allowed.
- II) The ad-interim protection, granted by this Court earlier to the applicants vide order dated 15.12.2021, is hereby confirmed and made absolute. In other words, in the event of arrest of applicants viz., 1) Datta Sukhdeo Mane, 2) Ganesh Bhagwan Mandole and 3) Shankar Ramrao Padwal, in connection with Crime No.320 of 2021 registered with Anandnagar Police Station, Dist. Osmanabad, for the offences punishable under Sections 353, 332, 504, 506 read with Section 34 of Indian Penal Code, he be released on P R. Bond of Rs.20,000/- with one or more sureties in the like amount.
- III) They shall not tamper with the evidence of the prosecution in any manner.
- IV) They shall not indulge in any criminal activity.
- V) The applicants to deposit amount of Rs.5,000/- each to the High Court Legal Services, Sub Committee, Aurangabad within a period of one week.

**[SMT. VIBHA KANKANWADI, J.]**