

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1564 OF 2021

VISHAL CHANGDEV SHETE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. R. R. Karpe, Advocate for the applicant.
Mr. A. M. Phule, APP for the respondent – State.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 19.01.2022

PER COURT :-

1. Heard learned Advocate Mr. R. R. Karpe for the applicant and learned APP Mr. A. M. Phule for the respondent – State.
2. Applicant is apprehending his arrest in connection with Crime No.714 of 2021 dated 23.11.2021, registered with Karjat Police Station, Dist. Ahmednagar, lodged by one Sandip Ambadas Jadhav, for the offence punishable under Section 353 of Indian Penal Code, 1860.
3. It has been submitted on behalf of applicant that applicant has been falsely implicated. Applicant had deposited the amount for electricity connection and D.P. He was persuading the same. Since he is an agriculturist, he was in need of electricity connection for giving water

supply to his plants. There was unnecessary delay on the part of the informant to supply the same. At the most, it can be said that there was some altercation between the informant and the applicant, however, no such incident as narrated in the FIR had taken place. Even taking the case as it is, it does not amount to an offence punishable under Section 353 of Indian Penal Code. Custodial interrogation of the applicant is not required for the purpose of investigation. He is ready to abide by the terms of the bail.

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

5. Perusal of the FIR would show that informant is working as Assistant Engineer with Maharashtra State Electricity Distribution Co. Ltd., Rashin, Tq. Karjat, Dist. Ahmednagar. On 04.11.2021, it has been reported to the office that DP 63 KV was not in working condition at village Deshmukhwadi, Tq. Karjat and, therefore, for installation of new

DP application was made. The concerned Karjat office has further intimated that there are certain dues from the customers and such intimation has been given to the customers. On 20.11.2021 the due amount has been deposited by the customers and accordingly, the informant has deposited the same on 23.11.2021 at Karjat office. The report has been submitted to install new DP at Deshmukhwadi. It was already intimated to those agriculturists that their DP i.e. Shete DP 63 will be installed and even such instructions have been given to the customers on phone call. Thereafter, on 23.11.2021, when the informant was in his office along with other colleagues, at about 12.30 noon, the applicant came there and asked the informant that as to when the said DP will be allotted to them. Accordingly, the informant given him understanding that already he has conveyed the same to the Karjat office and till tomorrow the said DP will be installed. Thereupon, the present applicant said that he has cleared the dues and said DP should be right now installed and started shouting. Thereafter, the other colleagues in the office tried to convince the applicant, but the applicant told them that they should leave the office since he want to put lock on the same. When the informant was telling the applicant that the office work is going on, he should not shout, at that time, the applicant had forcibly driven him out of the office and put latch to the office. Hence,

the First Information Report has been lodged against him.

6. The contentions in the First Information Report definitely give an impression that physical custody of the applicant may not be required for the purpose of investigation, as well the purpose would be served if attendance is given. The defence raised by the applicant need not be considered, at this stage, as he has 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. As aforesaid, when the informant was telling the applicant that the DP would be installed tomorrow and the office hours are there he should not shout, yet the informant says that the applicant had forcibly driven him out of the office and put latch to the office. Such act even though in the form of allegation as it is, at this stage, will not support for the citizen, who is in need of electricity. Applicant ought to have shown patience. Therefore, even while granting protection of pre-arrest bail to the applicant, conditions deserves to be imposed on him including payment of costs. Hence, following order.

ORDER

- i) Application stands allowed.

- ii) The ad-interim protection, granted by this Court earlier to the applicant vide order dated 22.12.2021, is hereby confirmed and made absolute. In other words, in the event of arrest of the applicant – Vishal Changdev Shete in connection with Crime No.714 of 2021, registered with Karjat Police Station, Dist. Ahmednagar, for the offence punishable under Section 353 of Indian Penal Code, he be released on PR. Bond of Rs.20,000/- (Rupees Twenty Thousand only) with one or more sureties in the like amount.
- iii) The applicant shall not tamper with the evidence of the prosecution, in any manner.
- iv) The applicant shall not indulge in any criminal activity.
- v) He should remain present before the Investigating Officer on every Monday and Friday between 11.00 a.m. to 02.00 p.m. till filing of the charge-sheet and co-operate with the investigation.
- vi) Applicant to deposit cost of Rs.5,000/- (Rupees Five Thousand only) with the High Court Legal Services Authority Sub-Committee, Aurangabad, within a period of one week.

[SMT. VIBHA KANKANWADI, J.]

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