

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 1576 OF 2021

VISHNU ARJUN KOLI
VERSUS
THE STATE OF MAHARASHTRA

...
Mr. A.B. Girase, Advocate for the applicant
Mrs. V.N. Patil-Jadhav, APP for the respondent
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 18.01.2022

PER COURT :-

1. Heard learned Advocate Mr. A.B. Girase for the applicant and learned APP Mrs. V. N. Patil-Jadhav for the respondent.
2. Applicant is apprehending his arrest in connection with Crime No.310 of 2021 dated 22.11.2021, registered with Police Station Songir, Tq. & Dist. Dhule, lodged by one Sujit Ramdas More, for the offence punishable under Sections 353, 186, 341, 504, 506 read with Section 34 of Indian Penal Code, 1860.
3. It has been submitted on behalf of applicant that applicant has been falsely implicated. His land is near the river and every now and then either police officers or revenue officers come on the river bank.

They notice that sand is being illegally excavated, but they are not doing anything. He had, therefore, advised the informant that he should come after dust and then he will get evidence. No such incidence of using criminal force had taken place. 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 the revenue officer. He had gone to the spot with other revenue officers on the directions of superior for taking action against illegal excavation of the sand. He had gone at night time i.e. 10.30 p.m. The revenue team noted that sand is being excavated and transported in tractor. When informant and team wanted to go near those persons, at that time, present applicant brought his motorcycle in their way and started asking

questions to the team. The team introduced themselves to applicant. Thereafter, applicant started talking arrogantly with the team, abused them and manhandled informant. Informant heard the noise of pelting of stone and then tractor drivers fled away with vehicles. Thus, these acts indicate that because of the act of applicant, those culprits, who were illegally excavating the sand, fled away. However, it is not the allegation of the informant that applicant was having common intention with those persons. The act of the applicant is independent. Yet, that act has disturbed and deterred the informant from discharging his duties, as per the contention in the First Information Report.

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. When the acts of illegal excavation of sand is rampant and it is creating environment problems, then, in fact, the citizens should help the Government in nabbing such culprits. Therefore, even while granting protection of pre-arrest bail to the applicant, conditions deserve 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 - Vishnu Arjun Koli in connection with Crime No.310 of 2021, registered with Songir Police Station, Tq. & Dist. Dhule, for the offence punishable under Sections 353, 186, 341, 504, 506 read with Section 34 of Indian Penal Code, 1860, he be released on P.R. Bond of Rs.25,000/- (Rupees Twenty Five 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.]

scm