

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 ANTICIPATORY BAIL APPLICATION NO.1615 OF 2021

1. VISHWAJIT S/O PRASHANT WADHEKAR
2. PRASHANT S/O BHAUSAHEB WADHEKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Bhosle Pratik A
APP for Respondent – State : Mr. A. M. Phule
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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 13.01.2022

ORDER :-

- . Heard learned Advocate for the applicants and learned APP.
2. The applicants are apprehending their arrest in connection with Crime No.929 of 2021 registered with Sadar Bazar Police Station, Dist. Jalna for the offences punishable under Sections 353, 504, 506 read with 34 of Indian Penal Code.
3. The submissions of both sides would show that the learned Advocate for the applicants is canvassing for the anticipatory bail on the ground that the physical custody of the applicants is not required for the purpose of investigation, whereas the learned APP submits that there was no enmity between the informant and the applicants. Informant is

the Bank Manager and the applicants had gone to the said bank to take loan. The concerned employee was informing the applicants as to why loan cannot be granted to applicant No.1, but applicants were abusing that employee and it is stated that even they rushed towards the person of the said employee. The Bank Manager went to intervene, however, he was also abused by the applicants and the informant has stated that because of the activities of the applicants, the usual transactions in the bank were on hold for sometime. It is also then stated that while going out of the bank, the applicants had threatened the employee of the bank to kill. This kind of behaviour cannot be justified and when threat is given to the Bank Manager, who is a public official, custodial interrogation of the applicants is necessary.

4. As aforesaid, the contents of the FIR have been narrated by the learned APP and it appears that the Bank Manager, who had tried to intervene, has also been abused. The bank employee was informing the applicants that why the vehicle loan cannot be given to applicant No.1, who is of 18 years of age. The applicants ought to have listen what the employee is saying patiently and ought not to have argued with him. So also, when the Bank Manager i.e. the informant was explaining them about the rule, then they could have check the rule of the bank. Abusing a person in public cannot be justified. Every person has his own

reputation and, definitely, the abuses would amount to insult of that person in public.

5. Taking into consideration the contents of the FIR, definitely, the physical custody of the applicants is not required for the purpose of investigation. However, it will not be out of place to observe that the applicant No.1, who is 18 years of age should not indulge in such activity with the manager, who was an elderly person to him. Further, the applicant No.2 is aged 45 years and, therefore, with the experience of the life, he was matured enough to consider as to how he should behave in public with the officer category of persons and, therefore, while granting anticipatory bail, conditions are required to be imposed.

6. There is no criminal activity that is pointed out as against present applicants and taking into consideration the date of the FIR, it can be said that major part of the investigation would have taken place. Therefore, with these observations, following order is passed :-

ORDER

- I) Application stands allowed.
- II) The ad-interim protection, granted by this Court earlier to the applicants vide order dated 28.12.2021, is hereby confirmed and made absolute. In other words, in the event of arrest of

applicants viz., 1. Vishwajit s/o Prashant Wadhekar and 2. Prashant s/o Bhausahab Wadhekar in connection with Crime No.929 of 2021 registered with Sadar Bazar Police Station, Dist. Jalna for the offences punishable under Sections 353, 504, 506 read with 34 of Indian Penal Code, they be released on bail on their furnishing P. R. Bond of Rs.20,000/- with one surety in the like amount each.

III) Applicant No.2 shall remain present before the Investigating Officer on every Monday between 11.00 a.m. to 2.00 p.m. till filing of charge-sheet.

IV) The applicants shall not tamper with the evidence of the prosecution in any manner.

V) They shall not indulge in any criminal activity.

VI) The applicants to deposit amount of Rs.20,000/- with the High Court Legal Services Authority, Sub Committee, Aurangabad within a period of two weeks.

[SMT. VIBHA KANKANWADI, J.]

scm