

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION No. 455 OF 2022

VAISHALI
ANIL
TIKAM

Amit Rajendra Gaikwad

...Applicant

Vs.

The State of Maharashtra

...Respondent

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by VAISHALI
ANIL TIKAM

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Mr. Ujwal Agandsurve, for Applicant

Ms. M.R. Tidke, APP for the State-Respondent

PSI Omprakash Dasare, Kurduwadi Police Station, Dist.Solapur present

CORAM : N. J. JAMADAR, J.

DATE : JUNE 27, 2022

P.C.:

1. Heard the learned counsel for the Applicant and the Learned APP for the State.
2. This application is preferred for pre-arrest bail in connection with CR No. 16 of 2022, registered with Kurduwadi Police Station, Dist. Solapur for the offences punishable under sections 353, 504, 506 read with 34 of Indian Penal Code,1860.
3. The indictment against the applicant is that, on 11th January, 2022, the applicant and co-accused Vinod Gaikwad had visited the office of MSEDCL at Kurduwadi. The applicant and co-accused were enraged as Mr.Pankaj Patankar, the first informant, who as working as an Assistant Engineer, had disconnected the electric supply for the arrears of the

electricity bill. The applicant and the co-accused raked up quarrel with the first informant and abused and threatened the first informant and Mr. Shinde, a wireman, with a view to deter them from discharging their official duties.

4. This Court was persuaded to grant interim protection by an order dated 28th February, 2022.

4. The learned counsel for the applicant submitted that, the co-accused Vinod Gaikwad was arrested and he has since been released on bail by the Additional Sessions Judge, Barshi. The learned counsel submitted that, in the backdrop of the nature of the accusation, it is debatable whether the offence punishable under section 353 of Indian Penal Code is, prima facie, made out.

5. The learned APP, on the other hand, resisted the prayer as the applicant had allegedly used criminal force to the public servant.

6. I have perused the allegations in the first information report. The allegations do not transcend beyond hurling abuses and giving threats to the first informant. The custodial interrogation of the applicant, in the light of the aforesaid nature of the allegations, does not seem warranted for an effective investigation. The applicant appears to have roots in the society. Possibility of fleeing away from justice seems to be remote. I am therefore inclined to exercise the discretion in favour of the applicant.

7. Hence, the following order.

ORDER

- i) The Anticipatory Bail Application is allowed.
- ii) In the event of the arrest of the applicant in CR No. 16 of 2022, registered with Kurduwadi Police Station, Dist. Solapur, he be released on bail on executing a PR Bond in the sum of Rs.25,000/- and one or two sureties in the like amount.
- iii) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- iv) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.
- v) The application stands disposed.

(N. J. JAMADAR, J.)