

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1470 of 2022

Ajay Ishwar Ghute and ors .. Applicants
Versus
The State of Maharashtra .. Respondent

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Mr. Rajesh V. Adrekar for the applicants.
Mr.Sayaji Mangre for the intervenor.
Smt.Veera Shinde, APP for the State.
PSI Shri Umesh Rothe from Talasari police station.

CORAM: BHARATI DANGRE, J.
DATED : 7th JULY, 2022

P.C:-

1 On 9/3/2022, the Division Bench of this Court, while dealing with an interim application filed in Arbitration Petition No.451/2018, alleging that there is no compliance of the order by the concerned authority, secured the presence of the District Collector, Palghar and Superintendent of Police, Palghar. The explanation offered that whenever the order is attempted to be implemented, they face unrest from the local tribals/farmers, was not accepted. Recording that the orders of the Court cannot be breached by any individual or organization by creating unrest

and the authorities cannot be heard to say that they are unable to tackle such lawlessness, Advocate General's intervention was sought. Pursuant to this, in the wake of the assurances given by the District Superintendent of Land Record, Palghar District and Superintendent of Police, Palghar, the authorities were directed to carry out the demarcation of the boundary of the petitioner i.e. Mehar Patel and another before the Court.

2 Several other directions were also issued, based on the undertaking and the police authorities were directed to provide necessary assistance in the process of demarcation, marking of points and construction of boundary wall in terms of the order dated 12/2/2021 in the Arbitration Petition.

When such demarcation was slated on 12/3/2022 in the presence of the Officers who were concerned and also the police personnel whose assistance was sought for, it is alleged that 52 named persons and other 50 to 60 persons gathered on the spot and restrained the authorities from executing/implementing the directions of the Court. They created a ruckus and the complaint filed by the Police Sub-Inspector of Talasari police station on 12/3/2022, specifically make a mention that though attempt was made on part of the Revenue Officials to pacify the crowd and permit them to proceed the work, since they were acting under the orders of the Court, the villagers were not in a mood to listen. They were even warned that they have formed an unlawful assembly and should disburse. At that time, the accused

persons started pelting stones and pushed some of the officials and even assaulted them.

The entire situation is narrated in the complaint and it can be seen that it was beyond control as the mob was huge. They pelted stones and man-handled the employees/witnesses of Parsi Diary. They hurled stones, grass cutting tools, sling shots, empty glass bottles which resulted in 12 persons being injured, which include the police officials. The injury certificates are placed on record and when perused, reveal blunt trauma on account of hard and blunt object. Though the injuries are simple in nature, it can be seen that there was an attempt to restrain the officials from performing their official duty and particularly in the wake of the directions issued by this Court.

3 The learned APP state that since the applicants were protected, they had reported to the police station and their statements have been recorded.

The Investigating Officer was present in the Court Mr.Umesh Rothe state that he do not desire custodial interrogation of the applicants, since he has colated the information as regard each applicant which would be compiled in the charge-sheet.

4 Upon the said statement, the application deserve to be allowed.

 However, it is subjected to a caveat that any attempt on part of any of the applicants in creating any law and order situation, which they have attempted on 9/5/2022 and 7/6/2022, pursuant to which on the complaint filed by Balkrishna Agivale, who was also injured in the incident of 12/3/2022 is already recorded. Hence, the following order :-

ORDER

(a) In the event of their arrest, the following Applicants i.e.

Applicant No.1 Ajay Ishwar Ghute
Applicant No.2 Malji Marly Adaga
Applicant No.3 Rajesh Jethya Ghute
Applicant No.4 Prakash Ramji Ghute
Applicant No.5 Lahan Vasaya Guroda
Applicant No.6 Anil Mangu Ghute
Applicant No.7 Ratna Navsha Adaga
Applicant No.8 Vijay Rama Vartha
Applicant No.9 Sunil Laxman Vartha
Applicant No.10 Laxi Navsha Guroda
Applicant No.11 Lyuesh Ladkya Valvi
Applicant No.12 Mahoo Devji Guroda
Applicant No.13 Sampat Mohan Sumbhate
Applicant No. 14 Rajesh Marhya Nagre
Applicant No. 15 Sonu Ram Thapa

Applicant No. 16 Sunil Lakhma Valvi
Applicant No. 17 Dival Navsha Guroda
Applicant No.18 Sanjay Laxman Vartha
Applicant No.19 Avinash Dilip Vartha
Applicant No.20 Sanjay Ratna Dhinde
Applicant No.21 Jitesh Kashinath Patkar
Applicant No.22 Rajesh Lahanya Dhinde
Applicant No.23 Ratna Chaitya Dhinde
Applicant No.24 Pradip Savji Urade
Applicant No.25 Ramesh Harji Bhura
Applicant No. 26 Kamlesh Jaywant Hathi and
Applicant No. 27 Bhogendra Bhola Mandal
in connection with C.R.No.87/2022 registered
with Talarasi Police Station shall be released on
bail on furnishing P.R. bond to the extent of
Rs.15,000/- each with one or two sureties of the
like amount.

- (b) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicants shall report to the Police Station as and when directed and render all their co-operation to the Investigating Officer.

(d) Liberty conferred on the applicants in the event of their arrest shall, however, be liable to be withdrawn at the instance of the prosecution or the complainant pointing out to this Court that it has been misused by creating any law and order situation.

Application is disposed off in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)