

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1529 OF 2022

Sagar Ashok Bahirwade) **Applicant**
V/s.
The State of Maharashtra
(through Bhosari MIDC Police Station)) **Respondent**

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Mr. Pandit Kasar, Advocate for the applicant.
Ms. M.R. Tidke, APP for State.
PSI, Navnath B. Chapale, MIDC Police Station, Pune
present.

CORAM : SANDEEP K. SHINDE J.

DATE : FRIDAY, 10TH JUNE, 2022.

P.C.:

1. Heard Mr. Pandit Kasar, learned Counsel for the applicant, Ms. Tidke, learned APP for State. Investigating Officer from Bhosari MIDC Police Station is present.

2. Applicant is seeking protection from arrest on being arraigned as accused in Crime No. 262/2022 registered with Bhosari MIDC Police Station for the offences punishable under Sections 353, 351 and 506 of the Indian Penal Code.

3. Complainant is a Public Servant working at Bhosari Office. She alleged in the complaint that the applicant and two others in the afternoon hours of 5th May, 2022 came at her office and questioned her, how her decision in proceedings of mutation entry in respect of the landed property, was made in favour of their adversaries. It is then alleged that, applicants brought media persons in her office and tried to snatch the documents from her. She would further allege that, when she was leaving her office for other official work on her two wheeler, at that time, applicant and two others, came across her way and removed the ignition key of her two wheeler. She was threatened by Kaluram Pawar to implicate her in false case under the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act.

4. The statements of witnesses recorded in the course of investigation corroborate the allegations on material point. Although, it is argued that the applicant herein was not connected to the proceedings before the Circle Officer, however, the evidence shows that the applicant is a nephew of Ram Kisan Bhairwade (against whom Mutation entry proceedings were decided). Accused no.2 is Ex-Municipal Councilor. The investigation record convey that, after the complainant (Revenue Officer) passed

an order against Ram Kisan Bahirwade, said Ram Kisan Bhairwade approached the Ex-Municipal Councilor, who then alongwith Manoj Shinde, media person and the applicant, went to the office of the Circle Officer and questioned her authority to pass an order against, Ram Kisan Bhairwade. Evidence, prima-facie, shows that the applicant and the co-accused used criminal force on the public servant while she was executing her duties as a Public Servant. It is informed by the prosecution that, reporter who did the video shooting, is keeping himself away from the process of law. In consideration of the facts of the case, and the investigation record, prima-facie, complicity of the applicant in the crime is apparent. Application is therefore rejected.

5. It is made clear that observations made hereinabove be construed as expression of opinion only for the purpose of granting bail and the same shall not in any way influence the trial in other proceedings.

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(SANDEEP K. SHINDE, J.)