

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2868 OF 2021

Abasaheb Mahadev Jarag and Anr. ..Applicants

V/s.

The State of Maharashtra ..Respondent

Mr. Umesh Mankapure a/w Ms. Rui Danawala for the Applicants.

Mr. Y.Y. Dabke, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 24 FEBRUARY 2022

P.C.

1. The Applicants, apprehending, their arrest in connection with the investigation of Crime No. 1396 of 2021 registered with Sangola Police Station, Dist. Solapur under Section 353, 323, 504, 506 read with Section 34 of I.P.C. are seeking pre-arrest bail.

2. The aforesaid crime is registered on the basis of the complainant lodged by Ajay Sadashiv Garande, who was working as a wireman in Nazra Section of the Light Department. On 11.11.2021 at about 4.00 p.m., the Applicant along with other staff had gone to the site of a seepage tank in the field of the Applicant Abasaheb Jarag at village Choupdi Shivar. The

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informant had noticed a theft of electricity by tapping on the main service line. When the informant was removing the same, the Applicants came there and accosted the informant and the others members of the staff as to why the tapping was removed. It is further alleged that in the incident, one Shivdas Patil and Sanjay Bansode, who were part of the squad, were caught hold of and assaulted by kick and fist blows and were abused and threatened. When other members of the squad namely Santosh Babar, Shivaji Aadsul and Shivaji Khulpe tried to intervene, they were also abused and threatened. The matter was reported to the Senior Officer Deputy Engineer Mr. Pawar at Sangola after which the complaint dated 11.11.2021 came to be lodged, which is under investigation.

3. I have heard the learned counsel for the parties.

4. It was submitted by the learned counsel for the Applicants that the Applicants are having regular electricity connection and there is no occasion for the Applicants to commit theft of electricity by tapping the supply line. The learned counsel for the Applicants has referred to the electricity bills of the electricity connection.

5. The electricity bills so produced show that there are arrears of electricity charges. In one of the bills at page No. 31, the

arrears are shown to be Rs.1,67,920/-. The learned counsel for the Applicants sought time to take instructions whether the said arrears have been paid in order to show bonafides. Today, the learned counsel stated that the said bill has not been paid and is outstanding.

6. It can be seen that the Applicants have obstructed the public servants and they were assaulted in order to prevent them from discharging their official duties. The incidents of present nature are on a rise in order to create a show of strength at the spot and deter the public servants from performing their public duties, which cannot be accepted. The conduct of the Applicants in creating such obstruction on one hand and even refusing to pay the lawful arrears cannot be appreciated. The Applicants are not entitled to the relief of pre-arrest bail.

7. The Criminal application is accordingly rejected.

(C.V. BHADANG, J.)