

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.05 OF 2022

(SAURABH RAJU TIMANDE...VS.. STATE OF MAH. THR. PSO PS HINGANGHAT, WARDHA)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri T.Deshpande & Shri A.Deshmukh, Advocates for Applicant.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : FEBRUARY 16, 2022.

1. By way of present application under Section 438 of the Code of Criminal Procedure the applicant is praying for grant of anticipatory bail in Crime No.915 of 2021, registered on 05/10/2021 with Police Station, Hinganghat, District : Wardha, on a complaint lodged by Ravindra Motiram Jadhav against the applicant and five more accused persons for the offences punishable under Sections 353, 294, 143, 144, 147, 148, 149, 506(2), 379 of the Indian Penal Code and Sections 4 and 25 of the Arms Act, 1949.

2. It is the case of prosecution that the complainant Talathi was on official duty for Guiding the Farmers on E-Crop Scheme near Nagoji Pardi village. When they saw two tractors plying without number plates and suspecting sand theft, the tractors were intercepted. The tractors were containing two brass sand valued at Rs.7,000/-. The driver of the tractor told that one tractor belongs to the present applicant and other one belongs to

Dilip Kahurke. The tractors were being driven to Tahsil office for seizure purpose, but in the middle of the road the present applicant came in his Scorpio vehicle and took out sword and kept it on the throat of the complainant. He also hurled filthy abuses. The applicant was accompanied by Dilip Kahurke and 5-6 other persons, who gathered around the complainant charging him with violence and thereby obstructed the Government officials from performing his duty. Accordingly, the offence was registered.

3. I have heard the learned counsel for the applicants and the learned A.P.P. for the non-applicant/ State.

4. Shri Deshpande, learned counsel for the applicant states that other two accused persons involved in the alleged offence have been granted anticipatory bail by this Court vide order dated 23/11/2021 in Criminal Application (ABA) No.747 of 2021 and order dated 14/12/2021 in Criminal Application (ABA) No. 755 of 2021, he therefore, prays parity.

5. Shri Deshpande, learned counsel for the applicant further argues that the applicant was falsely implicated in the alleged offence and he has not involved in the alleged offence.

6. The learned A.P.P. Shri Sirpurkar has opposed the present application and he has pointed out from the Police Diary which is made available for perusal that sufficient material has been collected against the applicant by the Investigating Officer during the investigation. The allegations made in the FIR against the applicant are serious and he cannot claim parity as the accused persons who have been granted bail were only accompanying the applicant, whereas the applicant had taken out a sword and kept it on the throat of the complainant. Accordingly, he prays for rejection of the application.

7. I have perused the Case Diary and also perused the contents of the FIR. The allegations made against the applicant are very serious and *prima-facie* there is sufficient material collected by the Investigating Officer to show the involvement of the applicant.

8. The applicant cannot claim parity in this matter as the role of the other accused persons who have been granted bail and the role of the present applicant is not same, whereas, serious allegations are made against the present applicant. In that view of the matter, I am not inclined to allow this application.

The application is **rejected**.