

ANTICIPATORY BAIL APPLICATION NO.5 OF 2023

Versus

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DATE : 24th JANUARY, 2023

1. The applicants apprehend arrest in Crime No. 603/2022, registered with Georai Police Station, Beed, for offences punishable under sections 143, 147, 148, 149, 188, 308, 333, 353 of the Indian Penal Code and under section 37(1) (c) of the Maharashtra Police Act, 1951.

2. FIR is lodged by Police Inspector, Georai Police Station, Beed, alleging that on 18.12.2022, he was on patrolling duty along with other police staff for Gram Panchayat elections. During the patrolling he received informant that at election booth No. 58/3, at Zilla Parishad, Primary School, Ramu Naik Tanda,

big mob had gathered and due to failure of EVM machine, people had started quarreling. Accordingly, informant and police staff visited said booth. At that time, heavy mob was there and police tried to pacify the mob, telling that the persons whose voting is remained they only should wait and others should leave the booth. At 5.30 pm., as the voting time is ended, staff of election office gave chits to 262 voters. At about 6.35 pm., one person was found standing near the queue of female voters and was stalking. Informant asked him why he is present there and what he is doing and asked his name. Then said person told informant that voters will tell him his name and he showed his finger and told that his voting is remained. When informant asked him to come with him for voting, he pushed informant forcefully saying that his brother-in-law is contesting the election and informant may do whatever he wants. Thereafter, one female from the queue rushed towards informant by saying why informant touched her brother. Informant called additional police staff and Deputy Superintendent of Police. When they reached and informant was disclosing incident to them, at that time said person came there and told his name as P.T. Chavan (Applicant No. 1) and started talking with him by raising his voice. At that time, suddenly one person with beard came there and started

quarreling with informant and abusing him and rushed towards him. Other persons from the mob including female voters also rushed towards informant and started scuffling with informant, due to which uniform of informant was torned and he sustained injuries. Deputy Superintendent of Police tried to rescue informant. At that time, mob of 25-30 persons entered inside the election booth, armed with sticks, stones and bricks and started pelting stones and bricks. Police disbursed the mob by resorting to lathi charge. In the said incident, Police staff members were injured and they were referred to Government Hospital.

3. Heard the learned advocate for the applicants, learned Additional Public Prosecutor for respondents. Perused the investigation papers.

4. The assault on informant and tearing his clothes is not attributed to the present applicants. As per the allegations in the FIR, mob attacked him, due to which his uniform was torn.

5. Applicant No. 1 is EX-members of Zilla Parishad and applicant No. 2 is his wife, applicant No. 3 is his sister and applicant No. 4 is his daughter. Considering the vague and

general allegations against the applicants and role attributed to them and the fact that, nothing is to be recovered from the applicants, pre-trial custodial detention of the applicants is not necessary.

6. Applicants were granted interim protection and were directed to co-operate in the investigation. They have attended the police station and have co-operated in the investigation.

7. Learned Additional Public Prosecutor submits that sticks used in the offence are yet to be recovered and names of person who attacked informant are to be ascertained. For that purpose custody of applicants is not necessary. The applicants can be directed to attend the police station and co-operate in the investigation.

8. Considering the attending circumstances, the application is allowed by confirming the interim protection.

9. The applicants No. 1 to 3 shall attend the concerned police station from 30th January, 2023 to 3rd February, 2023, everyday, between 10.00 am to 12.00 noon and shall co-operate

in the investigation. The applicants shall not tamper the prosecution evidence. Since, applicant No. 4 is taking education in Nashik she is exempted from attending the police station.

10. Thereafter, till filing of charge sheet, applicants shall attend the concerned police station as and when called by the investigation officer and shall co-operate in the investigation.

[NITIN B. SURYAWANSHI, J.]