

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.85 OF 2023

Ajit Tatyrao Jadhav

.... Applicant

Versus

The Superintendent of Police,
Ahmednagar and another

.... Respondents

.....
Mr. Sandip P. Rathod, Advocate for the Applicant
Mr. S.W. Mundhe, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 02nd FEBRUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No. 0584 of 2022 registered with Partur Police Station, District Jalna for offences punishable under sections 353, 332, 504, 506 read with 34 of the Indian Penal Code and section 3 of Prevention of Damage to Public Property Act, 1984.

2. FIR is lodged by Police Constable alleging that on 30/11/2022 at about 16.00 Hrs., when he was on duty at Vatur Police Chowki, two unknown persons entered the Police Chowky, one of them was short in height, he asked that his

motorcycle was parked in the square, and it is not there, hence he insisted that his motorcycle be traced immediately. On asking his name, he said his name is Pramod. The present applicant was along with him. The applicant allegedly kicked plastic chairs in the Chowky and broke one chair by hitting it on window. Pramod punched hard on the chest of the informant. The applicant rushed on the police personnel, and fled from the spot, thereafter.

3. Heard learned advocate for the applicant and learned Additional Public Prosecutor for the respondents -State. Perused the investigation papers.

4. Accused Pramod against whom allegation of assault on the police is made, is already arrested and he is released on bail. Nothing is to be recovered from the applicant. There appears substance in the contention of the applicant that he is a poor agriculturist and he has not assaulted the police personnel. He went along with accused Pramod to lodge a complaint about missing bike of Pramod. The police did not register the complaint and implicated the applicant and Pramod in a false case. Pre-trial custodial detention of the applicant is not warranted in the facts of the present case.

5. In the result, application is allowed. In the event of arrest of the applicant in connection with Crime No.0584 of 2022 registered with Partur Police Station, District Jalna for offences punishable under sections 353, 332, 504, 506 read with 34 of the Indian Penal Code and section 3 of Prevention of Damage to Public Property Act, the applicant be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

6. Till filing of the charge sheet, the applicants shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P Rane