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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.163 OF 2023

Sahebrao Motilal Rathod

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Vinayak D. Patnurkar, Advocate for the applicant

Mr. A. A. Jagatkar, APP for respondent - State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 21st FEBRUARY, 2023

ORDER :

1. Applicant apprehends arrest in Crime No. 495 of 2022 registered with Bhokar Police Station, Taluka – Bhokar, District – Nanded for offence punishable under sections 353, 143, 332 read with 34 of the Indian Penal Code.

2. Head Master of Zilla Parishad Primary School, Pomnala, Taluka – Bhokar lodged FIR against 5 accused persons alleging that the applicant was Ex-president of the School Management Committee. After his term was over, new management committee was to be selected. The meeting was to be convened on 17th December, 2022. The informant tried to give notice of the

said meeting to the applicant. The notice was allegedly sent on Whatsapp message to the applicant. On 17th December, 2022, the meeting was convened, which was attended by reputed citizens, parents, representatives of Panchayat Samiti, Extension Officer and his colleagues in which new Managing Committee was selected. The applicant did not attend the said meeting. After the meeting was over, at about 12.45 p.m. the applicant, along with other accused persons named in the FIR forcibly entered the office under the garb of seeing the minutes of the meeting, scuffled with the informant and his colleague Bankewad, abused them in filthy language, gave threats of life to them and forcibly taken away the proceeding book of the said meeting.

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

4. Learned advocate for the applicant submits that in fact, said proceedings book is with the informant Head Master himself and section 353 of the Indian Penal Code is not applicable in the facts of the present case. He further submits that there is unexplained delay of 10 days in lodging the FIR, which renders the prosecution case doubtful. He submits that the applicant is

falsely implicated in the present crime, due to political rivalry. Therefore, he may be released on anticipatory bail.

5. Learned Additional Public Prosecutor, on the other hand, by relying on the report of the Investigating Officer and police papers, submits that the applicant has criminal antecedents and the proceedings book is yet to be recovered. Custody of the applicant is, therefore, necessary for the purpose of effective investigation. He, therefore, submits that the application be rejected.

6. On going through the investigation papers, following offences are found registered against the applicant with Bhokar Police Station:

Sr. No.	Crime No	Offence punishable under sections
01	82 of 2021	324, 323, 504 of IPC
02	125 of 2012	353 of IPC
03	56 of 2013	143, 147, 149, 294, 323, 506 IPC
04	22 of 2015	12 (A) Maharashtra Prevention of Gambling Act
05	115 of 2017	65 (3) Maharashtra Prohibition Act
06	231 of 2020	143, 188, 269, 270, 504, 505 (2), 506 of the IPC
07	249 of 2021	135 of Maharashtra Electricity Act

08	275 of 2022	384, 341, 34 of IPC
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7. The proceedings book, which is snatched away by the applicant, is yet to be recovered. One of the teacher, who is witness in the present crime, is threatened by the accused persons. Threats were also given by the applicant and other accused to the President of School Management Committee and witness Subhash Rathod that they may be killed by sending criminals.

8. After registration of the crime, the applicant has threatened one of the witnesses, as he wanted to do flag hoisting on 26th January, 2023. Accordingly. NC No. 65 of 2023 is registered against the applicant.

9. There is no substance in the contention of the applicant that there is delay of 10 days in lodging the FIR and, therefore, prosecution case is suspicious and he is implicated due to political rivalry, since in the FIR itself it is specifically stated that immediately after the incident, it was informed to the newly selected President of the School Committee and the Block Education Officer and after receipt of letter from the Block Education Officer, meeting of the School Committee was held on 27th December, 2022 and it was unanimously decided to lodge

FIR and accordingly the FIR is lodged. In that view of the matter, the delay is properly explained by the informant.

10. Considering criminal antecedents and the fact that proceedings book is yet to be recovered from the applicant, custody of the applicant is necessary for effective investigation. In the result, the application rejected.

[NITIN B. SURYAWANSHI]
JUDGE

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