

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.189 OF 2023

Sharad Dadasaheb Pawar And Another ...Applicants

Versus

The State Of Maharashtra And Another ...Respondents

Mr. N.B. Patekar, Advocate for applicants.

Mr. A.A. Jagatkar, APP for respondents.

Mr. Sohail Subhedar Shaikh, Advocate for informant.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 28th FEBRUARY, 2023

ORDER :

1. Applicants apprehend arrest in Crime No. 99 of 2022, registered with Mirajgaon Police Station, Ahmednagar for offence under sections 394, 452, 384, 323, 504, 506 read with 34 of the Indian Penal Code.

2. FIR is lodged by Rahulkumar Parmar alleging that applicants used to come to their office time and again and used to complain that they are not doing work of the road properly. They kept demanding money from company people. Though, company had earlier given them compensation they were still demanding money from company. On 11.12.2022, at 5.00 pm,

in the evening, both the applicants entered the company office premises by threatening the watchman. They entered the office and started saying that you are not doing the road work properly and why they are not being paid one lakh rupees per month. They abused, threatened and slapped the informant and took away Rs. 30,000/- from the drawer of office table.

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

4. Learned Additional Public Prosecutor as well as learned advocate for informant have strenuously opposed the application contending that previously also Crime No. 32/2022, is registered against the applicants by company with same police station under section 452 of IPC. Applicants are repeatedly obstructing the work of company and are committing offences.

5. Learned advocate for the applicants on the other hand would submit that applicants are the whistle blower who have complained about work of the company and therefore they are falsely implicated in the offence. He therefore submits that to

show bonafide, applicants are ready to deposit amount of Rs. 30,000/-.

6. Taking into consideration the investigation papers and the facts of the present case, prima facie, there appears substance in the contention of the applicants that since they have complained about work of the company they are being implicated in the present and earlier crime.

7. Recovery of Rs. 30,000/- is to be effected from the applicants and applicants have shown their willingness to deposit the amount of Rs. 30,000/-. In that view of the matter, pre-trial custodial detention of the applicants is not necessary.

8. In the result, application is allowed.

9. In the event of arrest of applicants in connection with Crime No. 99 of 2022, registered with Mirajgaon Police Station, Ahmednagar for offence under sections 394, 452, 384, 323, 504, 506 read with 34 of the Indian Penal Code, applicants shall be released on executing personal bond of Rs. 15,000/- each with one surety in the like amount.

10. Applicants shall deposit amount of Rs. 30,000/- with the investigation officer, without prejudice to their rights and contentions, which shall be recovered under section 27 of the Indian Evidence Act.

11. Applicants while on bail shall not commit similar offence henceforth. Till filing of charge sheet, applicants shall attend the concerned police station on every Saturday and Sunday between 10.00 am to 12.00 noon. Applicants shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]