

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.191 OF 2023**

**POPAT LAXMAN GHORPADE  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

...  
Mr. N.C. Garud, Advocate for Applicant  
Ms. R.P. Gour, APP for Respondents – State  
...

**CORAM : NITIN B. SURYAWANSHI, J.**

**DATE : 23<sup>rd</sup> FEBRUARY, 2023**

**PER COURT :**

1. Applicant apprehends arrest in Crime No.1174/2022, registered with Pathardi Police Station, Dist. Ahmednagar, for offence punishable under sections 353, 435, 323, 427, 504, 506 r/w 34 of the Indian Penal Code, section 4 of the Prevention of Damage of Public Property Act, 1984 and section 135 of the Mumbai Police Act, 1951.

2. FIR is lodged by Hrushikesh Pravin Patil, Junior Engineer of MSEDCL, Sub-Division, Pathardi, alleging that protest of agriculturists was arranged at Miri Substation, under the leadership of M.L.A., at about 10:30 a.m. On that day, in the said protest present applicant gave speech stating that, let the informant come in his field, he will break his legs, and thereby provoked the protesters. After some time, some of the protesters called

informant and other employees outside the office. While they were discussing with the M.L.A. some unknown persons by pouring petrol set his office chair on fire. With a view to avoid further damage they immediately switched off the feeder and started going out by another gate. At that time, some protesters manhandled them, abused them and threatened them. Informant's collar was caught and they were taken to the protest site.

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

4. Only allegation against the applicant is that he made provocative speech during the protest. Learned Additional Public Prosecutor vehemently opposed the application contending that at the instance of applicant, office chair of the informant was burned. However, it is not possible to accept the said submission in view of the investigation papers. In the FIR itself, role attributed to the applicant is that he has uttered the words that let informant come in his field and he will break his legs. Except this no other alleged provocative speech given by the applicant is mentioned in the FIR. Even the statements of witnesses present on the spot, do not show any other provocation given by the applicant except this.

5. Applicant was granted interim protection and he has

cooperated in the investigation. Nothing is to be recovered from applicant. Therefore, in the facts of the present case, pre-trial custodial detention of applicant is not necessary.

6. In the result, application is allowed.

7. In the event of arrest of applicant in Crime No.1174/2022, registered with Pathardi Police Station, Dist. Ahmednagar, for offence punishable under sections 353, 435, 323, 427, 504, 506 r/w 34 of the Indian Penal Code, section 4 of the Prevention of Damage of Public Property Act, 1984 and section 135 of the Mumbai Police Act, 1951, applicant be released on executing Personal Bond of Rs.15,000/-, with one surety in the like amount.

8. Till filing of the charge-sheet, applicant shall attend concerned police station on every Saturday and Sunday, between 10:00 a.m. to 12:00 noon and cooperate in the investigation. Applicant shall not indulge himself in similar offences and shall not tamper prosecution evidence.

**(NITIN B. SURYAWANSHI, J.)**