

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 728 OF 2023

Mr. Yogesh Jaywant Shinde (Patil) ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Yogesh A. Jadhav – Advocate for applicant

Mrs. Geeta L. Deshpande – APP for respondent/State

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CORAM : R. M. JOSHI, J.

DATE : 27th JUNE, 2023

PER COURT :

1. Applicant is apprehending arrest in connection with Crime No. 62 of 2023 registered with Mehunbare Police Station, Dist. Jalgaon for the offence punishable under Sections 353, 323, 504, 506 of the Indian Penal Code.

2. Jaywant Bapurao Shinde, Police Patil of village, gave a report in respect of the incident occurred on 28.03.2023. According to him, when he was proceeding from Takli to Pimpri, at that time he was called by Assistant Police Sub-Inspector Milind Shinde and other police personnel. They told him that there is a complaint lodged in

the police station by Lalitabai Ramesh Bhil against Tatyabhau Bapurao Pawar and hence they are going to his house for giving him intimation about the same. When all of them went to the house of Tatyarao Pawar, the present applicant came in the said house and told Tatyarao Pawar that not to worry and that nobody can do anything to him. It is further stated that the applicant had abused and assaulted him with fist blows and slaps.

3. Learned counsel for the applicant stated that there are disputes between the informant and the family of the applicant. He placed on record the proceedings initiated against them. It is further submitted that in view of the previous dispute, the possibility of false implication of the applicant cannot be ruled out.

4. Learned APP opposed the application with a contention that, obstructing the Government servant from discharging his legal duties is a serious offence. It is also stated that the statement of the other police recorded also supported the contention of the informant.

5. There is *prima facie* material on record to indicate that

there are disputes between the family of the informant and the applicant. It is pertinent to note that if there were number of police personnel present at the spot then it does not stand to any reason as to why applicant was not accosted there only. This creates some doubt about the veracity of the statement of the informant in the first information report. Admittedly, nothing is to be recovered from the applicant. Hence, direction to the applicant to appear before the Investigating Officer for conducting further investigation into the crime is sufficient. Learned APP states that there are five criminal cases registered against the applicant. Perusal of the papers indicate that out of five cases, one is non-cognizable complaint. Two are against government servant and remaining two are initiated at the instance of informant or his family members. These facts are sufficient to indicate that the antecedents sought to be recorded against the present applicant would be on account of disputes with informant only. There is no offence shown to have been committed against public. Hence, there is no reason to deny protection to the applicant.

6. The application is allowed in terms of the interim order granted by this Court vide order dated 04th May, 2023.

7. The applicant is directed to attend the concerned police station as and when required.

[R. M. JOSHI]
JUDGE

SG Punde