

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

ANTICIPATORY BAIL APPLICATION NO.1041 OF 2023

**PRALHAD VYANKATRAO HIVRALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr. G. L. Deshpande, Advocate for the applicant
Mrs. G. L. Deshpande, APP for the respondent/State

CORAM : R. M. JOSHI, J.
DATE : 14th JULY, 2023

P.C. :-

1. Applicant apprehends arrest in connection with Crime No. 128/2023 registered with Umri Police Station, Dist. Nanded for the offences punishable under Sections 353, 332 of IPC.
2. Informant is the Assistant Engineer working with Irrigation Department at Nanded. It is alleged that on 25/05/2023 for the purpose of the construction work of distributary canal No.4 he along with others had been to the agricultural field of the present applicant. At that time when the work of levelling was going on the applicant herein has not only obstructed the said work but also assaulted informant with stone.
3. Learned counsel for the applicant states that the applicant is a poor agriculturist. He further submits that the applicant is agitating for

the reason that the canal is going through his well in the agricultural field and he is seeking compensation against the same. It is submitted that on the date of incident the applicant only requested the informant to construct the said distributary from one side of well to which he did not concede to. It is submitted that the informant himself has been party to the re-enquiry conducted in respect of the acquisition of land and therefore he has vested interest in lodging false complaint against present application. It is also canvassed that the custodial interrogation of the applicant is not necessary.

4. Learned APP opposed the application by submitting that the applicant has not only obstructed the government officers to perform their duties but also assaulted the informant. To support her contention she placed reliance on injury certificate which shows injury caused to the back to the informant. She has also relied upon the BDO in respect of the incident occurred on the faithful day.

5. There is rising tendency amongst the people in obstructing the public servants from discharging their duties. One can understand that the applicant requests the informant to carry out construction from the other side of the well. It is however cannot be justified in any manner that the government officer is assaulted, as done in the present

case by applicant. There is nothing on record to indicate that the informant had any individual grievance/grudge against present applicant in order to lodge false report against him. There was no provocation made to applicant to react in violent manner. *Prima facie* perusal of the video clearly indicated that the applicant had obstructed the work carried out at the spot. Similarly allegation of causing of assault on the informant is duly supported by the injury certificate. In such circumstances no leniency can be shown to applicant as it would have adverse effect giving encouragement to others to behave in unruly manner and cause obstruction in public work in cases like this. Hence application is rejected.

(R. M. JOSHI, J.)

ssp