

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1714 OF 2022

Mahendra Dnyaneshwar Chaudhari Applicant

Versus

The State of Maharashtra
and another Respondents

.....
Mr. Bhausahab S. Deshmukh, Advocate for the Applicant
Mr. V.S. Badakh, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th JANUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No.036 of 2021 registered with Yawal Police Station, District Jalgaon for offences punishable under sections 353, 332, 323, 379, 504, 188 read with 34 of the Indian Penal Code and sections 37(1), 37(3) and 135 of Maharashtra Police Act and Section 48(7) Maharashtra Revenue Code.

2. FIR is lodged by *Talati* alleging that while he was on duty on 04/03/2021 at about 9.30 p.m., they stopped one dumper No. MH-28/AB-7708. The applicant was driving the said dumper, which was carrying sand. When asked, the applicant disclosed that he does not have any permit to carry

the sand. Applicant and 2 persons accompanied him in the dumper, obstructed the informant and other government servants from discharging their official duty and manhandled them. Applicant ran away with the dumper. One accused Anil Sapkale was caught on the spot. It is, therefore, alleged that applicant was illegally transporting sand, and when the informant was asked applicant to show permit, he along with other accused persons abused and manhandled the government servants and obstructed the government work.

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

4. Learned advocate for the applicant submits that the dumper is already seized. The raiding party asked bribe from the applicant, which the applicant refused to give, and therefore, the applicant implicated in the false offence.

5. Learned Additional Public Prosecutor by relying on statements recorded during investigation submits that there is sufficient material to show the active involvement of applicant in the present crime. Hence, the application may be rejected.

6. On going through the investigation papers, it is clear that allegations made in the FIR are supported by statements of 4 eyewitnesses from the raiding party. The applicant has played active role in the alleged offence. Applicant and other accused persons have abused and manhandled the government servants and obstructed them to discharge their official duty. The allegations against the applicant are serious. Custody of the applicant is necessary for effective investigation. The applicant, therefore, is not entitled for discretionary relief of anticipatory bail.

7. The application is rejected.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane