

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1757 OF 2022

Santosh Baban Bhore

...Applicant

Versus

The State Of Maharashtra And Another

...Respondents

Ms. Sunita G. Sonawane, Advocate for applicant.

Mr. V.S. Badakh, APP for respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 20th JANUARY, 2023

ORDER :

1. The applicant apprehends arrest in Crime No. 736/2022, registered with Ahmednagr Taluka Police Station, Ahmednagar for offence punishable under sections 353, 327, 323, 506, 427 read with 34 of the Indian Penal Code.

2. FIR is lodged by Junior Engineer, M.S.E.D.C.L., Sandip Barat alleging that as per the order of superior officer he fixed 100 KVA transformer. Thereafter on 27.10.2022 at about 12.30 pm., he sent technicians to change the transformer and to fix 63 KVA transformer. At that time applicant and others arrived and restrained the employees of M.S.E.D.C.L from

removing transformer. Informant therefore went there along with technician. At that time applicant and others restrained him from removing transformer. Applicant caught hold of informant. When informant tried to record incident in his mobile, applicant and other accused assaulted him. Accused Deepak assaulted on his mouth by fighter. The applicant and accused Devram allegedly gave kick and fist blows and torn shirt and baniyan of informant. Accused Deepak snatched his cell phone and threw it on the ground due to which it was broken.

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

4. There are no corresponding injuries in the injury certificate which can be attributed to the present applicant. The cell phone of the applicant was required to be recovered, which is recovered by the investigation officer.

5. Considering the allegations made against the applicant in the FIR and investigation papers, nothing is to be recovered from the applicant. Pre-trial custodial detention of the

applicant in the facts of the present case is not warranted. Hence, the application is allowed by confirming the interim protection.

6. Till filing of charge sheet, applicant shall attend the concerned police station as and when called by the investigation officer and shall co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]