

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.1492 OF 2023

1. Ishak Inayatalli Patel
2. Nurjanha Murtuj Patel
3. Naushad Jafar Jamadar @
Inamdar
4. Shueb @ Shoab Isahak Patel
5. Narsir Ahamad Murtuj Patel ...Applicants

Versus

The State of Maharashtra ...Respondent

**WITH
BAIL APPLICATION NO.1425 OF 2023**

1. Khalil @ Khalil Ambad Murtuj
Patel
2. Attaulla Husenbasha Patel
3. Kalimulla Husenbasha Patel
4. Saeed Monoroddin Patel
5. Sameer Manoroddin Patel
6. Chumman @ Mujaffarali
Taiyyaballi Jahagirdar ...Applicants

Versus

The State of Maharashtra ...Respondent

...

Mr. V.V. Phatate for the Applicants.
Mr. R.M. Pethe, APP for the Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 15th JUNE, 2023.

P. C. :-

1. Bail Application No.1425 of 2023 is not on board. Upon

being mentioned, taken on board.

2. The Applicants apprehend their arrest in C.R.No.203 of 2023 registered with Akkalkot North Police Station, District-Solapur (rural), for the offences punishable under Sections 143, 341 and 353 r/w. 149 of the IPC and Section 135 of the Maharashtra Police Act.

3. Heard Mr. V.V. Phatate, learned counsel for the Applicants and Mr. R.M. Pethe, learned APP for the Respondent -State. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

4. The aforesaid crime was registered pursuant to the FIR lodged by Prabhakar Balbhim Shinde, TILR Officer. Facts narrated in the FIR reveal that he was asked by his superiors to measure the land of Mr. Umesh Kumarappa Patil. Accordingly on 03/05/2023 he went to the site to measure the field under Gat No.557. He claims that the Applicants and others obstructed him from carrying out measurement. Hence, the FIR.

5. Learned counsel for the Applicants states that Abdul Gani

Inayat Ali Patel and Mainodin Sapilso Patel, who are named in the FIR had expired on 22/10/2022 and 23/09/2021 respectively, i.e. much prior to lodging of the FIR.

6. Learned counsel for the Applicants further states that the Applicants' land is under Gat No.1 whereas the land of Umesh is surveyed under Gat No.557. He submits that the Complainant had come to the paddy field of the Applicants and all that they had told him that the land of the Applicants is not adjoining the land of Umesh.

7. Be that as it may, apart from bare statement that the Applicants obstructed him from carrying out measurement, there is no other material to show that the Applicants had assaulted or used criminal force against the Complainant, who is a public servant. Hence, prima facie offence under Section 353 of the IPC is not made out.

8. Considering the nature of accusations, no case is made out for custodial interrogation. Hence, the Applications are allowed on the following terms and conditions :-

In Anticipatory Bail Application No.1492 of 2023:-

- (i) In the event of arrest of the Applicants in C.R. No.203 of 2023 registered with Akkalkot Police Station, District-Solapur (rural), the Applicants are ordered to be released on bail on furnishing bail bonds of Rs.25,000/- each with one or two sureties to the like amount;
- (ii) The Applicants shall report to the concerned Investigating Officer for a period of two days i.e. 19/06/2023 and 20/06/2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when required by the Investigating Officer for the purpose of investigation;
- (iii) The Applicants shall not tamper with the prosecution evidence and or influence the witnesses in any manner;
- (iv) The Applicants shall keep the Investigating Officer informed of their current addresses and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.

In Bail Application No.1425 of 2023:-

- (a) The Applicants, who are arrested in C.R. No.203

of 2023 registered with Akkalkot Police Station, District-Solapur (rural), the Applicants are ordered to be released on bail on furnishing bail bonds of Rs.25,000/- each with one or two sureties to the like amount;

- (b) The Applicants shall report to Akkalkot North Police Station once in two months on 1st Monday of the month between 11:00 a.m. to 02:00 p.m. until further orders;
- (c) The Applicants shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case ;
- (d) The Applicants shall keep the Trial Court informed of their current address and mobile contact numbers and/or change of residence or mobile details, if any, from time to time;
- (e) The Applicants shall co-operate with the conduct of the trial and attend the trial Court on all dates

9. The Applications stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)