

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

ANTICIPATORY BAIL APPLICATION NO. 1755 OF 2023

1. Shakir Murtuj Patel
2. Yunus Isahak Patel
3. Alim Abbas @ Abbasali Patel
4. Rafiq Amin Jamadar
5. Faijan @ Fayaz Tajmul Patel

..Applicants

v/s.

The State of Maharashtra .

..Respondents

Mr. Tapan Thatte i/b. M.S.Mulla for the Applicant.
Mr. S.H.Yadav, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 26th JUNE, 2023.**

P.C.

1. The Applicants apprehend arrest in C.R.No. 203 of 2023 registered with Akkalkot North Police Station, District Solapur (Rural) for the offences punishable under Section 143, 341 and 353 r/w. 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

2. Heard learned Counsel for the Applicants, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. 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 the measurement. Hence the FIR.

4. Learned Counsel for the Applicants states that Abdul Gani Inayat Ali Patel and Mainoddin 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.

5. Learned Counsel for the Applicants further state that the Applicant's 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 to the land of Umesh.

6. 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 under Section 353 of the IPC is not made out.

7. Considering the nature of accusations, no case is made out for custodial interrogation. Furthermore, the co-accused who are similarly placed, have been granted pre-arrest bail. Hence the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicants in Crime No.203 of 2023 registered with Akkalkot North Police Station, District Solapur (Rural), the Applicants be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) each with one or two sureties in the like amount;
- (ii) The Applicants shall report to the Investigating Officer for two days on 30th June, 2023 and 1st July, 2023, between 11.00 a.m. to 2.00 p.m. and further as and when required by the Investigating Officer for the purpose of investigation.
- (iii) The Applicants shall keep the Investigating Officer informed of their current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.
- (iv) The Applicants shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

. Application stands disposed of.

(ANUJA PRABHUDESSAI, J.)