

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.210 OF 2023

(Shrinivas @ Nivas s/o Sangada Jadhav and anr. Vs. The State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N.B. Karade, Advocate for the applicants.
Shri Khan, APP for the non-applicant/State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- JUNE 07, 2023.

Heard.

2. Present application is filed by the applicants for grant of anticipatory bail in connection with Crime No.128/2023 registered at police station Rajura, District Chandrapur for the offence punishable under Sections 353, 504, 506 read with Section 34 of the Indian Penal Code.

3. The applicants are apprehending arrest at the hands of the police as offence was registered on the basis of report lodged by Amit Thamake on an allegation that on 14/03/2023 he along with his colleague Atul Chitlojwar had been to the house of one Sunil Laxman Wadaskar for recovery of the amount towards electricity bill. At the relevant time, the tenant of the said Laxman Wadaskar i.e. applicant No.1 was residing there. He declined to pay the electricity bill and abused the informant and his colleague. It is further alleged that he

threatened the informant that he will commit his murder. Thus, applicant No.1 has obstructed the informant and his colleague and they were discharging their official duty, therefore, crime was registered against the present applicants under Section 353, 504 and 506 read with Section 34 of the Indian Penal Code.

4. Learned Additional Public Prosecutor strongly opposed the application on the ground that the present applicants had obstructed the informant/public servant while discharging his duty, and therefore, the application deserves to be rejected.

5. Heard learned Counsel for the applicants. He submitted that while granting interim bail, this Court has directed the Investigating Officer to issue notice under Section 41-A of the Code of Criminal Procedure. Accordingly, the said notice was issued. The applicants have cooperated with the Investigating Agency and the additional affidavit to that effect has been filed.

6. As the applicants have complied with the conditions imposed by this Court, this Court granted interim relief to the present applicants. On perusal of the First Information Report it reveals that the only allegation against the present applicants is that they abused and obstructed the public servant from discharging his duty. Thus, physical custody of the present applicants is not at all required. The extract of the case diaries produced on record sufficiently shows that the applicants are attending

the police station and cooperating with the Investigating Agency.

7. In view of the reasons mentioned above that the immediate custody of the present applicants is not required for investigation purpose as nothing is to be recovered from them. They are already cooperating with the Investigating Agency. Therefore, the application deserves to be allowed by imposing certain conditions. Hence, I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 128/2023 registered with Police Station, Rajura, District Chandrapur for the offences punishable under Sections 353, 504, 506 read with Section 34 of Indian Penal Code, the applicants – Shrinivas @ Nivas Sangada Jadhav and Lokesh s/o Nivas Jadhav be released on bail on furnishing PR Bond of Rs.25,000/- (Rs. Twenty five thousand) with one surety each in the like amount.

(iii) The applicants shall attend the Police Station, Rajura, District Chandrapur as and when required for investigation purpose.

(iv) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the

facts of the case, as also shall not tamper with the evidence.

(v) On breach of any condition, the anticipatory bail granted to the applicants deserves to be cancelled.

(URMILA JOSHI-PHALKE, J.)

**Divya*