



(This order is corrected as per the order of speaking to the minutes dated 04.09.2024)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

22 ANTICIPATORY BAIL APPLICATION NO. 1295 OF 2024

SAYYED RIYAJ SAYYED AHEMAD

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Naik Sarvesh Jaipal

APP for Respondent/State : Mr.C.V. Bhadane

CORAM : **SHIVKUMAR DIGE, J.**

DATE : 12th August, 2024.

P.C.:

1. The applicant apprehends arrest in connection with **FIR No.0140 of 2024** registered with Police Station Majalgaon (Rural), Dist. Beed, for the offences punishable under sections 323, 332, 353, 504, 506 read with 34 of the Indian Penal Code (For short, "IPC").

2. It is the prosecution's case that the informant is Talathi. On 28th May, 2024, at midnight around 00.34 to 00.45, he and his team found that some illegal transportation of sand was going on in the tractor. Hence he and his team stopped the said tractor. Team found other tractor transporting the sand. When the team tried to stop the said tractor but the said tractor driver without stopping it tried to run over on the officers of the team. One of the officer entered into the tractor and tried to stop the tractor. It is alleged that at that time, the driver of the tractor assaulted with stick on the head of Talathi Laxman Sonar. Due

to that attack witness Laxman jumped from the head of tractor. It is alleged that driver of the tractor attacked the team of informant with stones and in that commotion, the tractor driver left the trolley filled with sand on the spot and ran away with the head of the tractor. It is alleged that when the informant and his team came to the tractor, which was already caught hold, at that time, the applicant came there on motorcycle and threatened the informant and his team that release the tractor else he will kill him. It is alleged that thereafter the applicant went to the village and came with 8-10 persons on the motorcycles. It is alleged that they all were wielding wooden sticks in their hands. It is alleged that they assaulted the informant and his team members with wooden sticks. Thereafter, the Tahsildar along with other team came there, hence the applicant and others ran away from the incident spot.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The punishment for the offences registered against the applicant are upto five years imprisonment. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is contention of the learned APP that the applicant obstructed the Government officers from doing their duty. To obstruct the Government officers, the applicant went in the village and came with 8-10 unknown persons with an intention to attack on the team of the

Government officers. The applicant and co-accused assaulted them. They prevented them from doing their government job. From the incident spot five motorcycles, two tractors loaded with sand have been seized. In the attack two witnesses have been injured. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record.

6. The allegations against the applicant are that when the informant and team tried to take away the tractor filled with illegal sand at that time, the applicant obstructed them and thereafter he went to village and brought 8-10 unknown persons on motorcycles, they assaulted the Government Officers with sticks. The injury certificates of the witnesses shows that they have suffered injuries due to the said assault. Though it is contention of the learned counsel for the applicant that the punishment for the offence registered against the applicant is upto five years, it does not mean that the applicant is entitled for bail as the applicant prevented the Government Officers from doing their job and he was so emboldened that he attacked the Government Officers with sticks. Some Government Officers are injured in the said attack. The investigation is in progress. Considering the allegations

against the applicant, his custodial interrogation is required and I pass the following order :-

ORDER

- (i) The application is rejected.

[SHIVKUMAR DIGE, J.]

sga