



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

958 ANTICIPATORY BAIL APPLICATION NO. 1467 OF 2024

Akshay Laximan Maske
VERSUS
The State of Maharashtra

...
Advocate for Applicant : Mr. Angad L. Kanade
APP for Respondents: Mr. B. B. Bhise
.....

CORAM : SHIVKUMAR DIGE, J.
DATED : 19th SEPTEMBER, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.221 of 2024 registered with Talwada Police Station, district Beed, for the offences punishable under Sections 324, 327, 504, 506 r.w. 34 of the Indian Penal Code.

2. It is the prosecution's case that the informant Ashok is resident of village Nandalgaon, Tq. Georai, district Beed. He is a member of the Gram Panchayat, Nandalgaon. On 29.6.2024, at about 9.00 a.m. he had gone to inspect the construction work of Primary Health Center Nandalgaon. At that time, the applicant came there and told him that the land on which the construction was going on is owned by their community and asked them not to make construction. At that time, the informant told him that it is land of Primary Health Center

and asked him not to disturb the construction. Then the applicant got annoyed, abused and threatened to kill the informant. After some time, he came there along with co-accused Nos. 2 and 3. They abused the informant. The applicant assaulted the informant with iron rod on the right elbow and snatched away the gold locket of 1.5 tolas from the informant's neck and threatened him to file the case against him under the Atrocities Act.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant has filed complaint against the informant under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and to counter the said complaint, the present complaint is filed. The informant had sustained simple injuries. Only to accentuate the said crime, the allegation of snatching of gold locket is made against the applicant. Considering the allegations against the applicant, his custodial interrogation is not required and requested to allow the application.

4. It is the contention of the learned APP that the present complaint was filed earlier by the informant and thereafter, to counter it, the applicant lodged the complaint under the provisions of Atrocities Act. The applicant obstructed the informant from doing his

work. 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 the police papers produced on record. The allegations against the applicant are that he obstructed the construction work of the Gram Panchayat and he alongwith co-accused assaulted the informant on his elbow with iron rod and snatched a gold locket. The injury certificate of the informant shows that he had suffered simple injuries. Co-accused have been released on anticipatory bail. Considering these facts, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The interim anticipatory bail granted to the applicant vide order dated 06.09.2024 stands on the same terms and conditions with following modification:-
 - (a) The applicant shall not enter in the area where the construction work of Primary Health Center is going on.

(SHIVKUMAR DIGE, J.)