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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1867 OF 2023

Aniket Atul Paturkar

APPLICANT

VERSUS

The State of Maharashtra

RESPONDENT

.....
Mr. Pravin N. Kalani, Advocate for the applicant
Mr. Uma S. Bhosale, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 30th JANUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.379 of 2023 registered with Mondha Police Station, Parbhani District – Parbhani for offence punishable under section 353, 504, 506 of the Indian Penal Code.
2. FIR is lodged by Police Head Constable, attached to Traffic Branch, contending that on 28th September, 2023 he was on duty at the gate of office of Superintendent of Police. At about 17.45 hours, one red colour car bearing registration No. MH-12-RT-9171 stopped on the road, next to the office of the Superintendent of Police. Informant waived the vehicle to be taken ahead, but driver of the vehicle did not proceed further.

Since Ganpati Immersion procession was going on, there was obstruction to traffic, therefore, informant took photograph of said car in his mobile phone. Driver of the said car saw the informant taking photograph in his mobile, therefore, he came towards informant along with car, alighted from the car and started talking with the informant in rude manner, as to why he has taken photograph of his car. He asked name of informant and started shouting loudly. When informant asked said person to remove the car from in front of gate of the office of the Superintendent of Police, said person rushed on the informant, started shouting loudly and quarreled with informant. On hearing the commotion, ASI Shaikh Ahmed and Lady Constable Jayashtree Avhad came there and when they enquired as to what had happened, at that time, the driver asked them as to who they are to enquire with him and talked with them also in rude manner. The driver also told them that he is person of MLA and he will get them suspended through MLA. He also abused them. After lodging of FIR, applicant filed anticipatory bail application before Sessions Court, which is rejected.

3. Heard learned advocate for applicant and learned APP for the State. Perused the papers of investigation.

4. On plain reading of FIR, ingredients of section 353 of the

Indian Penal Code are not made out. There is no assault or use of criminal force by applicant in the alleged incident. In that view of the matter, custodial detention and / or interrogation of applicant is not necessary, in the peculiar facts of the present case. Application is, therefore, allowed by confirming interim protection granted in favour of applicant vide order dated 8th November, 2023.

[NITIN B. SURYAWANSHI]
JUDGE