



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO. 2134 OF 2023

Yogesh S/o Ramnath @ Ram Bhandare ... Applicant

VERSUS

The State Of Maharashtra
and another ... Respondents

.....
Mr. U.B. Bilolikar, Advocates for the Applicant
Ms. Uma S. Bhosale, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 29th JANUARY, 2024

ORDER :

1. The applicant apprehends arrest in connection with Crime No.283 of 2023 registered with Dharmabad Police Station, District Nanded for offences punishable under sections 353, 332, 294 read with section 34 of the Indian Penal Code and section 85(1) of Maharashtra Prohibition Act.

2. FIR is lodged by Police Constable Shivraj Sambhaji Gangulwar alleging that on 16.11.2023 when he along with Police Head Constable Shivaji Suryawanshi was on traffic duty in Dharmabad City, they noticed one red colour Hero Company's motorcycle without number plate at about 16.30

Hrs. near *Jivala Dhaba*, then they called the *Dhaba* owner and asked to who is the owner of the said motorcycle. On that, one Gangadhar Bhandare came out and told that he is the owner of that motorcycle. Informant asked him to show the papers of motorcycle and why the number plate is not affixed. On that, Gangadhar started talking arrogantly and told that he had not affixed number plate and he does not have the papers. They may do whatever they want. At that time, three persons came out of the said *Dhaba*, who were drunk. Out of the three, one Prakash told that they will not show the papers of motorcycle and if the informant tries to take the motorcycle to police station, they will set it on fire. Those four accused breached public peace, and thereafter, when the police van came there, two accused persons ran away from the spot. Then accused Prakash Bhmanna Punad and Nagesh Sadashiv Onkulwar resisted the informant and others and manhandled them.

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

4. Applicant is not named in FIR, and considering allegations made in FIR against applicant, at the most, it can be said that he has arrogantly talked with the police

personnel. Even as per the narration of FIR, the applicant has not used criminal force or assaulted the public servant, hence he has not committed offence under section 353 of the Indian Penal Code. Fact remains that applicant has ran away from the spot after seeing police vehicle. Considering these aspects, and since as nothing is to be recovered from applicant and as investigation appears to be on the verge of completion, application deserves to be allowed.

5. The application is therefore allowed by confirming interim protection granted to applicant on 22.12.2023.

6. Till filing of charge-sheet, applicant shall attend the concerned police station as and when called by Investigating Officer. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane