

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 1931 OF 2024

Sunil Vishnu Gore	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Rajaram V. Bansode for the Applicant.
Mr. Tanveer Khan, APP for Respondent-State.

CORAM: MANISH PITALE, J.
DATE : 22nd JULY 2024

P.C. :

. Heard learned counsel for the applicant and learned APP for respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0188 of 2024 dated 26th May 2024 registered at Natepute Police Station, Dist. Solapur, for offences under Sections 353, 332, 341, 504 and 506 of the Indian Penal Code, 1860 (IPC).

3. The informant in the present case is an in-charge Deputy Engineer with the Electricity Department, who has alleged that when he along with his team went to the agricultural field of the applicant to restore electricity supply, the applicant assaulted the informant and did not allow necessary steps to be taken by the informant and his team for restoration of electricity supply. In that light, the aforementioned offences were registered against the

applicant.

4. The learned counsel for the applicant submits that the applicant is sought to be falsely implicated in the backdrop of the fact that wife of the applicant is an elected member of the gram panchayat and that she along with other ladies of the area had been agitating before the authorities for restoration of electric supply, at least for the purpose of ensuring that at least drinking water was made available to the residents of the area. In that context, when the wife of the applicant, as an elected member of the gram panchayat, along with other ladies approached the informant, he allegedly abused them orally and also assaulted them. It is brought to the notice of this Court that the wife of the applicant and other ladies submitted a complaint before the Police with regard to the said incident and a copy of the same is at Exhibit 'G'.

5. It is submitted that instead of taking appropriate action on the grievance raised by the said ladies, the informant has caused the subject FIR to be registered against the applicant, who is the husband of the said elected member of the gram panchayat. It is further submitted that it was the informant who entered into the agricultural field of the applicant along with his team to restore the electric supply and in such a situation, registration of the aforesaid offences is nothing but a case of false implication and by way of counterblast.

6. On the other hand, the learned APP submits that the statement of the informant clearly indicates the manner in which he and his team was assaulted by the applicant, when official duty was being performed for restoration of electric supply. On this basis, this Court may not entertain the present application.

7. Considering the material on record, this Court is of the opinion that there is substance in the contentions raised on behalf of the applicant. This Court finds that a *prima facie* case is made out by the applicant to the effect that the informant being an in-charge Deputy Engineer has caused the subject FIR to be registered against the applicant as a counterblast or at least in the backdrop of the incident that occurred, involving the wife of the applicant, who is an elected member of the gram panchayat and other ladies of the area, when they raised their voice with regard to lack of electricity supply for about 4 to 5 days. In any case, the applicant is ready to cooperate with the investigation and therefore, no useful purpose would be served by rejecting the present application, which may lead to the applicant being taken into custody.

8. In view of the above, the application is allowed in the following terms :

- (a) In the event the applicant is arrested in connection with FIR No. 0188 of 2024 dated 26th May 2024 registered at Natepute Police Station, Dist. Solapur, he

shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount to the satisfaction of the trial Court.

(b) The applicant shall remain present before the Investigating Officer on 25th July 2024 and thereafter, as and when required by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

9. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

10. The application is disposed of.

MANISH PITALE, J.