

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3241 OF 2024

Mahendra Nanasaheb Jagtap ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Ganesh Bhujbal for Applicant.
Ms. Rutuja A. Ambekar, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 04, 2024

P.C. :

. Heard Mr. Bhujbal, learned counsel for the applicant and Ms.Ambekar, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0454 of 2024 dated 24.05.2024 registered with Indapur Police Station, District - Pune Rural, for offences under Sections 143, 144, 147, 148, 149, 307, 341, 353, 427, 504, 506 read with 120-B of the Indian Penal Code, 1860 (IPC) and Section 135 of the Maharashtra Police Act, 1951.

3. The informant, in the present case, is the *Tahsildar*, who has alleged that, on the date and time of the incident, while he was in his official vehicle, performing official duty, five persons approached in another vehicle and by means of iron rods, broke the window pane of the vehicle of the informant and threw chilly powder on the informant as well as his driver. At this point, the driver reversed the vehicle and took the same towards police station, due to which the informant and the driver escaped from the clutches of the assailants.

4. The learned counsel for the applicant submits that the applicant is not named in the FIR at all, and that it is only on allegation of conspiracy being raised against the applicant on the basis of one statement of a witness, who claims that one of the co-accused persons, who was allegedly present at the time of the incident, had spoken on mobile phone with the applicant and stated that, the assigned job would be done. It is only on this basis that the applicant is sought to be linked to the incident in question. He submits that the applicant is ready to co-operate with the investigation.

5. The learned APP, on the other hand, submits that today, the investigating officer could not remain present. This is a serious matter where a public servant has been assaulted and the involvement of the applicant is evident from the material on record. It is further submitted that the applicant has four criminal antecedents including for offence under Section 307 of the IPC and other such offences, indicating the criminal background of the applicant. It is submitted that in the FIR itself, the informant i.e. the *Tahsildar* has stated that the persons involved in illegal mining and sale of minor mineral are behind the aforesaid assault. It is further submitted that physical custody of the applicant is necessary.

6. Having considered the rival submissions, it is evident that the allegations are serious because the informant, being a public servant, was assaulted while on duty. Nonetheless, at present, there appears to be statement of only one witness, who claims that one of the co-accused persons was in touch with the applicant just before the incident took place.

7. In this context, it is insisted on behalf of the respondent-State that the custody of the applicant is required and that his mobile phone needs to be confiscated.

8. Considering the criminal antecedents of the applicant, this Court is of the opinion that, while the present application can be kept pending, interim relief can be granted so that the applicant joins the investigation and co-operates with the same by surrendering his mobile phone.

9. In view of the above, there shall be interim order in the following terms:-

- A. Till the next date, in the event the applicant is arrested in connection with FIR No.0454 of 2024 dated 24.05.2024 registered with Indapur Police Station, District - Pune Rural, he shall be released on bail on furnishing PR Bond of Rs.50,000/- with 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 06.12.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called. He shall co-operate with the investigation, including surrendering his mobile phone;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence.

10. In case any of the aforesaid conditions are violated, the present order would be liable to be cancelled.

11. List for further consideration on 10.01.2025, High on Board.

(MANISH PITALE, J.)