

Order below Exh. 1

(Passed on this 20th day of November, 2014)

Dictated in Open Court

1 By the present application the applicants are praying for bail in the event of arrest, in crime no. 345/2014 registered by the Police Station, Mahagaon for alleged offence punishable u/s. 353, 338, 294, 143, 147, 149, 427 of I.P.C

2 It is the case of the prosecution that the complainant was works as a officer in Sub Station Phulsavangi and about 10 persons and other 50 to 55 persons came to the Sub Station and asked as to why supply to sub station Ningnoor has been discontinued. When they were informed that the supply is continued , they started abusing and damaging the property . They damaged the door and window panes and caused loss of Rs. 3,000/- and also abused and manhandled the complainant . They also forced to stop the 11 KV feeder and obstructed official govt work. Based on these allegations complaint came to be lodged on 4.10.2014 and offence came to be registered and applicants apprehended their arrest. Hence present bail application.

3 Heard learned counsel for the applicants. He submitted that the applicants are being falsely implicated. He submitted that the workers in the sub station were present under influence of liquor . There was no electricity supply till 3.10.2014 . There was problem of water supply and hence they went to inquire about the electricity supply. They found the employees under influence of liquor and they refused to do anything and also abused and manhandled them. Applicant no. 1 suffered injuries and was undergoing treatment. He submitted that hence this false complaint is

lodged. There is no specific role in the complaint and allegations are omnibus. Hence, considering the same, prayed for bail.

4 Heard Shri Paikrao, learned A.P.P. He submitted that the offence is serious. Public officer has been assaulted and performance of public duty is affected. Public property is destroyed . Hence application be rejected.

5 Perused the documents and considered the submissions. From the complaint itself it is revealed that the complainant had informed the superior officers about the incident and the police had come to the place of incident . Subsequent thereto applicant no. 3 has lodged complaint in the Police Station . Prima facie it reveals the presence of this applicant at the place of incident but they were not arrested. Considering the nature of allegations and omnibus statement of alleged destruction of property , on perusal of the case diary, the allegations are seem to be similarly omnibus. The case diary reveals that there were number of other employees present but no one was abused or assaulted , except the complainant, which appears to be unlikely. Considering the grievance of disconnection of supply to the entire village. There is no injury to the complainant as per the medical certificate. Hence in these circumstances, I am inclined to grant protection subject to conditions. Hence, I pass the following order.

Order

1 The applicants [1] Sandeep Ganesh Mule, [2] Avinash Murlidhar Rathod [3] Surendra @ Suresh Kaniram Mude, [4] Anil Shrawan Rathod, [5] Subhash Shrawan Rathod, [6] Sham Gokul Rathod, [7] Dnyaneshwar Tukaram Rathod, [8] Pavan Ramchandra Rathod, [9] Nitin Brijlal Mule, be released on bail, in the event of arrest, on furnishing P.R. bond of Rs. 50,000/- [Rupees Fifty thousand only]

each with one solvent surety of like amount in crime no. 345/2014 registered by the Police Station, Mahagaon for alleged offence punishable u/s. 353, 338, 294, 143, 147, 149, 427 of I.P.C

2 The applicants shall not tamper with prosecution evidence.

3 The applicants shall cooperate with investigation agency.

4 The applicants shall not leave District Yavatmal without permission of the court and intimation to the investigation officer till filing of Charge Sheet .

5 The applicants shall attend concerned police station on every Friday between 11 to 2 p.m or as and when called by the investigating officer till filing of Charge Sheet.

Pusad.
Dt.20-11-2014

(Anil Subramaniam),
Additional Sessions Judge,
Pusad.