

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

ANTICIPATORY BAIL APPLICATION NO. 1184 OF 2019

Chandrakant Hanumant Hange

.. Applicant

Vs.

The State of Maharashtra

C.R. No. 250/2019 registered at

Indapur Police Station, Pune

.. Respondent

Mr.Amey Deshpande a/w. Mr.Harsh Nishar I/b Advocate Vikas Shivarkar
for applicant.

Mr.S.R. Shinde, APP for State.

CORAM : N.J. JAMADAR, J.

**DATE : 31ST MAY 2019
(VACATION COURT)**

P.C.

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This is an application of pre-arrest bail under Section 438 of Code of Criminal Procedure, 1973. The applicant apprehends arrest in C.R. No.250 of 2019 registered with Indapur Police Station, Pune for the offence punishable under Section 353 of the Indian Penal Code, 1860.
3. The applicant has been arraigned for the offence punishable under Section 353 of the Indian Penal Code, 1860 for having allegedly abused the first informant -Sandeep Babu Jadhav, Canal Supervisor, posted in

Irrigation Department, at Bhigwan, Taluka Indapur, Dist. Pune. The gravamen of indictment against the applicant is that on 12th April 2019, when he had visited the Nira Left Canal, the applicant approached him and asked him to release the water for his field. When the first informant asked him to first pay the water charges dues, the applicant abused the first informant and charged upon him. The applicant allegedly removed the barrier and got the water supply for the field.

4. The learned Sessions Judge, before whom the applicant had initially moved the application for pre-arrest bail, was persuaded to reject the application on the premise that there are increasing instances of threatening the public servants.

5. On perusal of the material on record, it becomes evident that the applicant was insisting for the release of the water from canal to irrigate his field. The dispute seems to have arisen on account of the dues of the alleged water supply charges. It is the case of the applicant that he had paid the entire dues. The occurrence is restricted to hot exchange of words. At best, there was an altercation.

6. Thus, having regard to the nature of the allegations and the gravity of the offence, custodial interrogation of the applicant does not seem to be

necessary. Hence, I am inclined to exercise the discretion in favour of the applicant. Hence, the following order :-

O R D E R

- (i) The application is allowed.
- (ii) In the event of arrest in C.R. No. 250 of 2019 registered with Indapur Police Station, the applicant- Chandrakant Hanumant Hange be released on bail on furnishing a P. R. Bond of Rs.15,000/- and a surety in the like amount.
- (iii) The applicant shall attend Indapur Police Station, on the 1st Monday of every month from 11.00 a.m. to 1.00 p.m. for a period of three months, or till filing of the charge-sheet, whichever is earlier.
- (iv) The applicant shall not tamper with prosecution evidence and/or threaten or induce the prosecution witnesses. The applicant shall co-operate with the investigating agency.

[N.J. JAMADAR, J.]