

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

LD VC ANTICIPATORY BAIL APPLICATION NO.65 OF 2020

Shivputra Anaray Shrigan,
Age: 65 yrs. Occ. Agriculturists.
Resident of Wagderi, Tal. Akkalkot,
District- Solapur.

... Applicant

V/s.

The State of Maharashtra.
(At the instance of Akkalkot North
Police Station, Solapur vide C.R. No. 118 of 2020) ... Respondent.

Mr. Vikrant Phatare for the Applicant.
Ms. P.P. Shinde, APP for the Respondent - State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 12th MAY 2020.

PC.:

1 Heard the learned Counsel for the applicant and the learned APP for State.

2 This is an application under section 438 of the Code of Criminal Procedure, 1973. The applicant herein is apprehending his arrest in Crime No.118/2020 registered at Akkalkot North Police Station, Solapur.

3 It is the case of the prosecution that on 22/3/2020 the District Magistrate, Solapur had passed a prohibitory order under section 144 of Code of Criminal Procedure, 1973. That on 29th of March, 2020 there was a fair of God Parmeshwar in village Wagdari. It was customary for the villagers to gather at the temple. The police had requested the villagers not to assemble, as orders under section 144 of the Code of Criminal Procedure, 1973 were passed. That the police were trying to convince the mob. However, the people had opposed the same, raised their voices and had pelted stones at the police. On 30/3/2020 the police inspector lodged a report at the police station for offences punishable under sections 353, 332, 333, 143, 147, 149, 186, 188, 269, 270, 504, 506 of the Indian Penal Code and under section 37(1) (3) read with section 135 and 139 of the Maharashtra Police Act and section 2, 3 and 4 of Epidemic Diseases Act, 1897 read with Rule 11 of Maharashtra COVID-19 Rules. Some of the accused were arrested by Akkalkot North Police Station.

4 According to the learned Counsel for the applicant, the applicant was summoned by the Panch Committee for performing pooja of the Chariot carrying the God and the applicant had obliged the panch committee of the temple.

5 The applicant is 65 years old. That prima facie there is no material to show that the applicant had quarreled with the police or had

pelted stone at the police. Prima facie, there is no material to indicate that custodial interrogation is warranted. Taking into consideration the age of the applicant as well as the fact that no overt act is attributed to the applicant, the applicant deserves ad-interim relief on imposing certain conditions. Hence, following order :

ORDER

- (i) By way of ad-interim relief, in the event of arrest in Crime No. 118 of 2020 registered at Akkalkot North Police Station, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs15,000/- and one or more sureties in the like amount.
- (ii) The applicant shall deposit a cost of Rs. 10,000/- towards the Chief Minister's Relief Fund within 8 weeks' from today.

6 Stand over to 7th July 2020.

(SMT. SADHANA S. JADHAV, J.)