

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.4879 OF 2015

Krishna s/o Janardhan Pungle,
Age 42 years, Occu. Service,
R/o Samarth Nagar, Jalna,
Taluka and District Jalna

..Applicant

Versus

1. The State of Maharashtra,
Through Police Station,
Badnapur, District Jalna
2. The Superintendent of Police,
Jalna, District Jalna

..Respondents

Mr S.J. Salunke, Advocate for applicant
Mrs B.B. Gunjal, A.P.P. for respondents

- WITH -

CRIMINAL APPLICATION NO.5068 OF 2015
IN
CRIMINAL APPLICATION NO.4879 OF 2015

Dr.Meher Datta Pathrikar

..Applicant

Versus

Krushna Janardhan Pungle
and anr.

..Respondents

Mr A.K. Bhosale, Advocate for applicant
Mr S.J. Salunke, Advocate for respondent No.1
Mrs B.B. Gunjal, A.P.P. for respondent No.2

CORAM : N.W. SAMBRE, J.

DATE : 15th September 2015

PER COURT

Heard.

2. The applicant is seeking pre-arrest bail in Crime No.I-136/2015 registered at Badnapur Police Station, District Jalna pursuant to the

first information report dated 30th July 2015, for the offences punishable under Sections 353, 504 and 506 of the Indian Penal Code.

3. The alleged incident has occurred on 28th July 2015, when the applicant entered the chamber of the complainant and has threatened her and disturbed the proceedings.

4. The ground that is sought to be pressed into service for grant of bail by Mr Salunke, learned Counsel for the applicant is that the delay caused in lodging of first information report is not at all explained and but for offence under Section 353 of the Indian Penal Code is punishable with two years imprisonment and same is not a serious and is non-cognizable offence.

5. In addition to above, while narrating the differences between applicant and the management and complainant, learned Counsel for the applicant submits that looking to the nature of present case, provision of Section 41-A of Code of Criminal Procedure is required to be taken into account and relied upon the judgment of Apex Court in the matter of **Arnesh Kumar v. State of Bihar and another**, reported in **AIR 2014 SC 2756**.

6. While opposing the bail application, learned Assistant Public Prosecutor submits that the statements of the witnesses depict about the conduct of the applicant as against his superiors, particularly when the superiors were discharging official duties. According to her,

there is prima facie involvement of the applicant in the crime and the applicant is not entitled for bail. She would further urge that as the applicant is absconding, investigation and interrogation is necessary and as such, custody of applicant is very much required and seeks rejection of the application.

7. The complainant moved an application seeking permission to assist the prosecution, which is allowed for the reasons stated therein.

8. Having perused the application and nature of allegations in the present case, it is required to be noted that the applicant is an employee of the society, registered under the Act and trust within the meaning of Bombay Public Trusts Act. There appears to be differences between the management and applicant and the applicant appears to be instrumental in making certain complaints about functioning of the institution.

9. Apart from above, in the present case offence is registered under three Sections of which Sections 504 and 506 are bailable and the offence under Section 353 of the Indian Penal Code is non-bailable, which is punishable with two years imprisonment. Having perused the report submitted by the investigating agency, in my opinion, no satisfactory reasons are narrated for having custodial interrogation of the applicant. Appropriate support can be drawn from the judgment of *Arnesh Kumar Vs. State* (cited supra).

10. In view thereof, it will be appropriate, in my opinion to order release of the present applicant on following conditions :

(I) In the event of his arrest, the applicant - Krishna son of Janardhan Pungle be released on bail in Crime No.I-136/2015 registered at Badnapur Police Station, District Jalna for the offences punishable under Sections 353, 504 and 506 of the Indian Penal Code, upon furnishing P.R. Bond of Rs.10,000/- (Rs. Ten thousand) with one surety in the like amount.

(II) The applicant shall attend the Investigation Officer as and when called for.

(III) The applicant shall keep himself away from the jurisdiction of Police Station, Badnapur, till filing of charge-sheet, except for attending the Investigation Officer for the present proceedings.

11. Criminal Applications stand disposed of in above terms.

(N.W. SAMBRE, J.)

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