

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 212 OF 2015

Rajendra Tila Patil	...	Applicant
vs.		
The State of Maharashtra	...	Respondents

Mr. A.P.Mundargi, Senior Advocate with Mr. Harshad E. Palwe for the applicant
Mr. S.S.Pednekar, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 13th March, 2015.

P.C.

Heard. This is an application under Section 438 of the Code of Criminal Procedure, 1973.

2. By an order dated 12.2.2015, this Court had granted interim relief in favour of the applicant.

3. Perused the papers of investigation. The learned APP submits that on 30.1.2015, the present applicant, who happens to be the Executive Engineer, had granted permission to host a party on the occasion of the retirement of Shri P.Y.Deshmukh. The said permission was granted subject to the condition that the Builders' Association shall take necessary permission from the allied authorities. Second, they shall take care that they do not disturb the peace and harmony at the relevant time. That they shall deposit Rs.10,000/- towards rent of the said

premises. They shall make arrangements independently for water and electricity connection. That they shall take care that they shall maintain cleanliness at the premises and that they shall shoulder the entire responsibility of the said program. The only offence alleged against the applicant is that he had granted permission to host the party. That the persons who had arranged the party had abandoned the glasses and other material at the spot. Hence, the same was in violation of condition No.5 of the said permission.

4. The learned APP submits that the offence punishable under Section 3 of the Prevention of Damage To Public Property Act, 1984 is a non-bailable offence and the very fact that the said party was hosted at the said premises pursuant to the permission granted by the applicant. The present applicant does not deserve grant of pre-arrest bail.

5. The learned Senior Counsel submits that the applicant herein had not granted a blanket permission but was subject to certain conditions. He had taken abundant caution by imposing a condition that they shall maintain cleanliness at the premises. It can be said that the people who had arranged the party have committed the said offence. The knowledge or other overt act cannot be attributed to the present applicant. Hence, the order dated 12.2.2015 deserves to

be confirmed on the same terms and conditions.

ORDER

In the event of his arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount.

Application stands disposed of.

(SMT.SADHANA S.JADHAV, J.)