

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 2207 OF 2015**

Pradeep Kacher Patil.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. R. D. Suryawanshi for the Petitioner.

Mrs. M. H. Mhatre, learned APP for the State.

Coram : RANJIT MORE &  
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **June 15, 2015.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner and learned APP for the State.
2. Mr. Suryawanshi, learned Counsel appearing for the Petitioner, having taken instructions, states that the Petitioner is not pressing prayer clauses (a) and (c).
3. The challenge raised is to the letter dated 4<sup>th</sup> June 2015 issued by Mr. Kashinath Rane, Police Head Constable, Kasarwadvali Police Station. By the said letter, the Petitioner is directed to remain present on 9<sup>th</sup> June 2015 to furnish bonds. It is further stated by Mr. Kashinath Rane, that his superiors have instructed him to obtain such bonds from the Petitioner to

prevent the breach of public peace. The grievance of the Petitioner is that while issuing this letter, no procedure as contemplated under Chapter-VIII of the Code of Criminal Procedure, 1973 is followed. Learned Counsel appearing for the Petitioner submitted that Constable is not the Competent Authority to issue such letter. Mrs. Mhatre, learned APP for the State concedes this position. We also find that the letter in question is arbitrary, illegal and without any authority in law and the same deserves to be quashed and set aside. In that view of the matter, petition is made absolute in terms of prayer clause (b).

**[SMT. ANUJA PRABHUDESSAI, J.]**

**[RANJIT MORE, J.]**