

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1062 OF 2015

Vishal Eknath Bhagat .Applicant

v/s.

The State of Maharashtra .Respondent

Mr.Naveen R. Chomal, Advocate, for the Applicant
Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 28.08.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks pre-arrest bail in connection with C.R.No.
613 of 2015 registered with the Mumbra Police
Station, Mumbai, for the alleged offences
punishable under Sections 332, 341, 353 & 504
of the Indian Penal Code, 1870.

3. On 30.6.2015, John Kuripan Tanikel lodged a report at the police station stating therein that he is working with S.E.D.C.L. for 35 years and is the Assistant Engineer at Diva Branch. According to him, on 30.6.2015, at about 4 p.m., Santosh Pawar had come to his office and complained that the wires of electric pole, outside Kullu Swamy Mandir are always hanging. Pursuant thereto, the complainant - John visited the spot to inspect the same. It is stated that when they were trying to find a solution, there was a power failure. It is alleged that at that juncture, the present applicant came to the spot, obstructed the complainant and told him that unless he finds a permanent solution for the same, he would not be allowed to leave. It is alleged that the present applicant abused the complainant; manhandled him; and restrained him from going to his office. On the basis of his report, the alleged offences were registered.

4. Learned APP states that the applicant has antecedents. However, learned counsel for the applicant states that the applicant has been acquitted in the said case, except in one.

5. Considering the nature of allegations and the circumstances in which the alleged incident took place i.e. on the spur of moment, the custody of the applicant is not required and hence the applicant is granted anticipatory bail on the following terms & conditions:

ORDER

(i) In the event of arrest, the applicant be enlarged on bail on his furnishing P.R.Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount;

(ii) The applicant shall attend the Mumbra Police Station, Mumbai on every Saturday between 11.00 a.m. to 11.00 a.m. till the filing of the charge sheet;

- (iii) The applicant shall not tamper or attempt to contact the complainant or any witness concerned with the said case;
- (iv) The applicant shall co-operate with the Investigating Agency.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear, that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)