

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1390 OF 2015

Khurshid Ali Mohd. Yusuf Warsi .Applicant

v/s.

The State of Maharashtra .Respondent

Ms Noorseema M.U.Baig, Advocate, for the
Applicant

Mr.S.H.Yadav, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 21.09.2015

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.
I-740 of 2015 registered with the Mumbra Police
Station, Thane, for the alleged offences
punishable under Sections 332, 353 & 504 of the
Indian Penal Code, 1870.

3. The complainant is an Executive Engineer of Thane Municipal Corporation. He has alleged that when the officers of the Thane Municipal Corporation were removing illegal hawkers from the area, the applicant obstructed them from performing their duties.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the said case. She submits that on 05.09.2015 at about 4.00 p.m. the applicant was traveling with his wife on his motor cycle, when he saw some officers of the Thane Municipal Corporation throwing all the articles of the hawkers on the road. She submits that the applicant requested the officers not to throw the articles/destroy the goods of the hawkers, on humanitarian grounds, as they were poor persons and as they could subsequently claim the goods, after paying the requisite fine.

According to the learned counsel, the officers of the Corporation got annoyed with the applicant's patriotic talk and at his interference; and also as he had asked them whether they were following the prescribed rules and procedure while removing the hawkers.

5. Perused the papers. Admittedly, the applicant had absolutely no concern with the illegal hawking/hawkers, who were being removed by the officers of the Corporation. Prima facie, the possibility of the applicant being involved as he took on the officers of the Corporation cannot be ruled out.

6. Considering the aforesaid and the nature of allegations made, the applicant is granted pre-arrest bail on the following terms & conditions:

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on his furnishing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount.

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

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

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy
of the original signed Judgment/order.