

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.401 OF 2016

Janardhan Narayan Kadam	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Kuldeep Nikam, Adv. for the applicant.
Mr. Arfan Sait, APP for the State.
Mr. V.G. Kubade, PSI, Mhaswad PS present.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 4th March, 2016.

P.C. :

1. This is an application for anticipatory bail filed by the aforesaid applicant apprehending his arrest in Crime No.17 of 2016 registered with Mhaswad Police Station, Satara for offences punishable under Sections 323, 353, 504, 506 & 510 of the IPC.

2. The accusations against the applicant are that on 25th January, 2016 at about 5.30 pm at Shenwadi, the applicant herein obstructed the first informant Baban Pawar from discharging his duty. The applicant is alleged to have abused and assaulted said Baban Pawar, Police Naik attached to Mhaswad Police Station.

3. Heard Mr. Nikam, the learned counsel for the applicant and Mr. Sait, the learned APP for the State. I have perused the records and considered the submissions advanced by the counsels for the respective parties.

4. The FIR in the present case was lodged by Baban Pawar, Police Naik attached to Mhaswad Police Station. A perusal of the FIR prima facie reveals that on 25th January, 2016, he was directed to go to Mauje-Shenwadi in order to enquire in to the complaint lodged by one Smt. Keshar Shinde. It is stated that while he was discharging his duties, the applicant who was under the influence of alcohol abused and insulted him and used criminal force against him. Pursuant to the said FIR the aforesaid crime came to be registered. All the offences except section 353 are bailable in nature. Section 353 is non-bailable with maximum punishment for two years or with fine, or both. The nature of the allegations, in my considered view, do not justify custodial interrogation. The applicant is otherwise a permanent resident of Satara and there is no possibility of his absconding and thwarting the course of justice. The applicant has no criminal antecedents. Considering the aforesaid facts, in my considered view, the application is allowed on the following terms and conditions.

- i. In the event of arrest of the applicant in Crime No.17 of 2016 registered with Mhaswad Police Station, Satara, the applicant

shall be released on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand Only) with one or two sureties in the like amount to the satisfaction of the JMFC, Mhaswad.

- ii. The applicant shall report to investigating officer for 4 days from 10 am to 1 pm from the date of receipt of this order.
- iii. The applicant shall not interfere with the complainant or witnesses and shall not tamper with evidence in any manner.
- iv. The applicant shall not leave Satara district without prior permission of the JMFC, Mhaswad.

(ANUJA PRABHUDESSAI, J.)