

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1002 OF 2016

SUNIL HARIBHAU MHATRE)...APPLICANT
V/s.
THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.A.D.Joshi, Advocate for the Applicant.
Mrs.A.S.Pai, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 27th JULY 2016.

P.C. :

1 Heard learned counsel for both the sides. Applicant involved in Crime No.197 of 2016 registered with Koparkhairane Police Station, Navi Mumbai, on 25th May 2016, for the offences punishable under Sections 353, 332, 504 and 506 of Indian Penal Code and Sections 3 and 4 of Maharashtra Prevention of Defacement of Property Act, had sought bail. Perused the FIR. It reveals that complainant, resident of Koparkhairane is working as Clerk in Encroachment Department in Navi Mumbai Municipal Corporation, and on 25th May 2016, had lodged report contending that on 23rd May 2016, he had noticed one hoarding illegally displayed at Ganpati Visarjan Chowk at Sector 12D Bonkode, Koparkhairane, wishing to one Haribhau Mhatre on his birthday. Upon enquiry, complainant found same to be illegally erected and therefore removed the same on drawing panchnama, when

applicant arrived and informed that the said banner was of his father. It is the case of prosecution that on enquiry, applicant informed that he never asked for any permission to erect such banner and told complainant to do whatever he can do and slapped him on his cheek. Accordingly, complainant lodged report.

2 On the basis of report lodged, offence came to be registered and applicant apprehending his arrest in this crime had moved before the learned Sessions court and was protected by interim protection, which was however vacated on 14th June 2016.

3 Applicant was thereafter protected by this court by interim order dated 16th June 2016, during which period he was directed to attend Investigating Officer. Learned APP, on instructions, states that during the course of investigation, applicant could not produce any permission sought by him for erecting banner. However, since had submitted that nothing is to be recovered and as investigation is almost complete, interim protection granted to applicant is liable to be confirmed on same terms and conditions.

4 Accordingly, application is allowed.

(P. N. DESHMUKH, J.)