

Anand

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

BAIL APPLICATION NO.1319 OF 2016

Prasad Balkrishna Rane .Applicant

Vs.

The State of Maharashtra .Respondent

Mr.Niranjan Mundargi i/b. Mr.P.A.Bhangale,
Advocate, for the Applicant
Mrs.R.Ambekar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 05.07.2016

P.C.

. Heard learned counsel for the Applicant
and the learned APP for the Respondent – State.

2. By this Application, the Applicant
seeks his enlargement on bail in connection with
C.R.No.67 of 2016 registered with the Aarey
Police Station, Mumbai, for the alleged offences
punishable under Sections 353, 509, 354, 504,
425, 294, 392 of the Indian Penal Code and under
Sections 110 & 112 of the Bombay Police Act.

3. The incident in question has taken place on 21.05.2016. According to the Complainant, the Applicant was sitting with his wife in Aarey Milk Colony, when one watchman prevented them from sitting there. It is alleged that as the Applicant abused the watchman and threatened to assault him, the watchman stopped the police van, which was passing and disclosed the said fact to the police, pursuant to which the Applicant and his wife were brought to the police station. It is alleged that when the Applicant was brought to the police station, he created a ruckus in the police station and started abusing the police. It is also alleged that he slapped one police constable and used derogatory language to the women constables, who were present in the police station.

4. Learned counsel for the Applicant submitted that the incident which is alleged has been exaggerated by the police. He submitted

that the incident took place as the police demanded money from the Applicant. He submitted that the Applicant has been in custody since his arrest i.e. 21.05.2016.

5. Learned APP states that the CCTV footage has been sent to the Forensic Laboratory.

6. Perused the papers. It appears that some incident had taken place in the police station on 21.05.2016. The CCTV recording is already in the possession of the police. Hence, further custody of the Applicant is not required.

7. Accordingly, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The applicant is granted provisional cash bail of Rs.15,000/- for a period of four weeks from today;

(iii) The applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(v) The applicant to cooperate with the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be

at liberty to seek cancellation of the applicant's bail.

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

9. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)