

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO.1165 OF 2016

Shankar Bhima Pawar ... **Applicant**
V/s.
The State of Maharashtra ... **Respondent**
.....

Mr.Vincent X Dsilva, Advocate for the Applicant.
Ms.S.S.Kaushik, APP for the Respondent/State.
Mr.P.P.Navale, PSI, Dindoshi Police Station is present.

CORAM : P. N. DESHMUKH J.

DATED : 29th JULY 2016.

P.C.

1 Heard learned counsel for the parties.

2 This is an application for grant of anticipatory bail in Crime
No.483 of 2016 registered by Dindoshi Police Station, Malad (E),
Mumbai for the offences punishable under Sections 419, 186, 189, 509,
170 and 506 of the Indian Penal Code.

3 Learned counsel for the applicant has submitted that except for Section 170 all other Sections are bailable. Applicant has submitted that considering the contents of report wherein applicant is stated to have posed himself as, 'public servant', while making a phone call to a nurse in a Municipal Hospital, no ingredients of Section 170 can said to be attracted as according to the decision of the Honourable

Supreme Court in the case of **Ramesh Balkrishna Kulkarni v. State of Maharashtra**, SCC 1985 (3) 606, Municipal Councilor is not a 'public servant'.

4 On perusal of report, it is stated that on 25/06/2016, while complainant Vedika was working as Nurse in the Municipal Hospital, applicant personating himself as a 'Municipal Councilor' directed complainant to look after some patient, who was admitted in the hospital.

5 Having considering the contents of report, as aforesaid, and in view of law relied on behalf of applicant referred supra, wherein it is held that Municipal Councilor is not 'a public servant', prima facie it is found that Section 170 of Indian Penal Code does not attract. In that view of the case, all other sections are bailable. In that view of the matter, application is liable to be allowed.

6 Interim protection granted to applicant by order dated 13/07/2016 stands confirmed with further direction to applicant to submit his residential address along with proof thereof to the Investigating Officer, and in case of change of same, he shall provide the new address to the Investigating Officer.

7 Application is allowed.

(P. N. DESHMUKH J.)