

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1414 OF 2016

Somnath Janardhan Mhatre

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Kuldeep S. Patil Advocate for Applicant.

Mr. S. H. Yadav APP for the State.

Mr. R. B. Pachorkar, API NRI Police Station

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : SEPTEMBER 27, 2016.

PC :

1) Heard. This is an application under section 438 of Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 153 of 2016 registered at N.R.I. police station for offences punishable under section 353, 341, 323, 504, 506 r/w 34 of the Indian Penal Code.

2) By an order dated 18/08/2016, applicant was granted interim relief by this Court. It is the case of the prosecution that complainant was working as a security guard in CIDCO and on 20/07/2016, he was threatened by the applicant on the ground that he shall not form a union which would be

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affiliated with the BJP in CIDCO Ulve.

3) The learned counsel for the applicant has rightly submits that complainant himself is an active member of the ruling party and there was no question of threatening him not to form a party affiliated to the ruling party.

4) The learned APP, upon instructions submits that on 23/07/2016, applicant had allegedly threatened the relative of the complainant and on the basis of the said report, NC number 902 of 2016 is registered on 23/07/2016.

5) Perused the copy of the NC report. The threat was on the ground that the said person had participated in the Morcha and was seen along with the complainant in the present case and he was threatened that he shall not keep company with the complainant.

6) Taking into consideration the nature of allegations, papers of investigation and the submissions advanced across the bar, application deserves to be allowed. However, it is made clear that observations made herein above are *prima facie* in nature and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

(i) Application is allowed.

- (ii) In the event of arrest, applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 15,000/- with one or two sureties in the like amount.
- (iii) Applicant shall co-operate with the investigating agency and report to the investigating officer as and when called by issuing a notice under section 160 of the Code of Criminal Procedure, 1973.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)