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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1659 OF 2016

Ayyanar R. Yadav ..Applicant.

Vs.

State of Maharashtra and Anr. ..Respondents.

Mr S.D.Sherkhane, for the applicant.

Mrs R.M. Gadhvi, APP for the Respondent-State.

CORAM :- A.S.GADKARI, J.

DATE :- 27th September, 2016

PC.

- 1) The applicant is apprehending arrest in CR No. 281 of 2016 dated 3/9/2016 registered with Vileparle Police Station, Mumbai under sections 353, 504, 506 of the IPC.
- 2) The first information report is lodged by Shri Nitin Thakur, Junior Engineer serving with the Mumbai Municipal Corporation. It is stated in the first information report that the staff of Mumbai Municipal Corporation along with the informant had been to the scene of offence for demolishing the unauthorized structure. That though the persons occupying the said stall had preferred civil

litigation before the City Civil Court, Mumbai and this Court, there was no order of stay granted in favour of the applicant and other persons. That while the staff of Mumbai Municipal Corporation along with the informant were in the process of demolishing the said unauthorized stall/structure, the applicant arrived at the scene of offence and opposed the informant, abused in filthy language and threatened the informant that he reigns the said area and he would come to the office of the informant and the informant will have to face the dire consequences. It is further stated that the applicant also obstructed the informant, a public servant, from performing his lawful duty. In the premise the first information report is lodged.

3) The learned counsel for the applicant submitted that for the purpose of investigation the custodial interrogation of the applicant is not necessary as there is allegation of only threat administered to the public servant. He therefore prayed that pre-arrest bail may be granted to the applicant.

4) It is to be noted here that the instances of assault

and/or obstructing the public servants in performing their lawful duties are on rise. The applicant cannot be permitted to raise a spacious plea that he only administered threat to the informant and only obstructed the public servant while performing his lawful duty and, therefore his custodial interrogation is not necessary, cannot be accepted. It is necessary for the investigating agency to have the custodial interrogation of the applicant with a view to further unearth the entire crime and to reveal the facts whether any other person who associated and/or conspired with the applicant in the commission of the present crime.

5) In view of the above, I find that there is no merit in the application. The application is accordingly dismissed.

(A.S.GADKARI, J.)