

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1865 OF 2016

Satish Vasant Lalbige.

... Applicant.

Versus

The State of Maharashtra.

... Respondent.

Mr. Nitin Baban Kamble, advocate for applicant.

Ms. Veera Shinde, APP for State.

Mr. Rahul V. Gond, API, Faraskhana Police Station, Pune City.

CORAM : SMT. SADHANA S. JADHAV, J

DATE : NOVEMBER 29, 2016.

P.C.

1 Heard the learned Counsel for the applicant and the learned APP for State. Perused the papers.

2 This is an application under section 438 of the Code of Criminal

Procedure, 1973. The applicant herein is apprehending his arrest in Crime No. 242 of 2016 registered at Faraskhana Police Station, Pune for offence punishable under Section 420 read with 34 of the Indian Penal Code.

3 The applicant is serving as sweeper in class IV category in Pune Municipal Corporation and is posted at Tilak Road ward. That he is social worker. He is also appointed as the President of Pune Corporation of Akhil Bhartiya Safai Mazdoor Congress. It appears from the record that in June, 2016 and July, 2015 the applicant had given a legal notice through the newspaper that there are some people who are misleading vulnerable person under the guise of giving them job in Pune Municipal Corporation. He had clarified in the said notice that he does not indulge into such acts. On 29/6/2015 he had also informed the Commissioner of Police, Pune about the same.

4 Today, it is the case of the prosecution that one Vicky Rajaram

Wagh lodged a report at the police station alleging therein that the applicant had lured vulnerable boys and had extorted money under the guise of giving them a job. The investigating officer had enquired with the Pune Municipal Corporation and the Pune Municipal Corporation had replied that there were no complaint against the present applicant. Neither anybody had complained to them that the applicant was indulging into such acts.

5 Taking into consideration the reply given by the Pune Municipal Corporation and the papers of investigation and more particularly, the legal notice given by the applicant in July, 2015 and June, 2016, the applicant applicant deserves grant of pre-arrest bail, as Crime No. 242 of 2016 is registered on 3/10/2016, whereas legal notices were published in the local newspapers almost a year ago.

6 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under

section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

7 Hence, following order is passed :

ORDER

(i) In the event of arrest in Crime No. 242/16, the applicant be enlarged on bail on furnishing PR. bond in the sum of Rs. 25,000/-and one or more solvent sureties in the like amount.

(ii) The applicant shall report to the concerned police station as and when called by the Investigating Officer and cooperate with the investigating agency to the best of his capacity.

(iii) The applicant shall not tamper with the evidence.

8 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)