

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2149 OF 2016

Inderpal Singh Sahni

.....Applicant

V/s.

State of Maharashtra.

....Respondent

....

Mr. Subhash Jha i/b Law Global Advocates for the Applicant.

Mr. R.M. Pethe, APP for the State.

Mr. Ashok Pawar, API Statpur Police Station, Nashik.

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CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 16th DECEMBER, 2016.

PC :

- 1) Heard. This is an application under Section 438 of Cr.P.C.
The applicant herein is apprehending his arrest in Crime No.249 of 2016 registered at Satpur Police Station, Nashik, for the offences punishable under sections 427 of the Indian Penal Code and section 3 and 7 of Prevention of Damage to Public Property Act, 1984.
- 3) It is the case of the prosecution that wife of the applicant

owns a land adjacent to Pipeline Road, Nashik. The applicant herein had filed an application to the Executive Engineer MIDC Satpur to repair the pipeline which was damaged for a long time and that was causing obstruction on the public road. It appears that the applicant made an application on 21.10.2016, which was received by the Executive Engineer, MIDC on 24.10.2016. The applicant had removed the portion of the damaged pipeline on 2.11.2016 and therefore he is being prosecuted for the offences punishable under sections 427 of the Indian Penal Code and section 3 and 7 of Prevention of Damage to Public Property Act, 1984.

4) Taking into consideration the papers of investigation and the submissions advanced across the Bar, it can be seen that the applicant had only removed the damaged portion of the pipeline without waiting for any action by the MIDC. It is in these circumstances, the applicant deserves to be grant of pre-arrest bail.

5) The observations are restricted to an application under Section 438 of Cr.P.C. and shall not be taken in to consideration for the

purpose of quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) The application is allowed.
- (ii) The applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.
- (iii) The applicant shall cooperate with the Investigation and report to the concerned Police Station and when called.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)