

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1082 OF 2017

KAUSHAL SUDHAKAR SONAVANE)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.Sandeep Mishra a/w. Mr.Prakash Mishra, Advocate for the Applicant.

Ms.Veera Shinde, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 27th NOVEMBER 2017

P.C. :

1 The applicant / accused in Crime No.166 of 2017, registered with Police Station Naupada, for offences punishable under Sections 353, 332, 427, 143, 147, 149 of the Indian Penal Code (IPC) and under Section 7 of Criminal Law Amendment Act, by this application is seeking pre-arrest bail.

2 Heard the learned advocate appearing for the applicant/accused. He argued that name of the present applicant/accused is mentioned by one witness without specifying the role of the applicant/accused. The learned advocate further argued that the applicant/accused is working as a Recovery Agent and he used to collect the amount of installments of loan advanced to the hawkers. Therefore, he is falsely implicated in the crime in question.

3 The learned APP opposed the application by relying on the statement of the witness and submitted that the case is not a fit case for grant of pre-arrest bail.

4 The crime in question is registered on the basis of report lodged by Sandip Malvi, Deputy Commissioner, Thane Municipal Corporation, Thane. It is reported that on 10th May 2017, he along with staff of Municipal Corporation were taking drive for demolition/removal of encroachment. On that day, they found that owner of Ekvira Poli Bhaji Kendra, near Gaondevi

temple, had effected encroachment on the public street, and therefore, he had directed the owner thereof to remove the encroachment by taking the table inside his shop. As owner of that shop refused to oblige, the squad of the Corporation entrusted with the duty, removed the encroachment of the table. Upon that, ten to fifteen persons gathered on the spot and assaulted the informant Deputy Commissioner of Municipal Corporation. His other staff members, as well as other high ranking officers of the Corporation ran away because of the mob fury.

5 Statement of witness shows that the present applicant/accused was one of the members of the unlawful assembly which indulged in assaulting the Deputy Commissioner of Municipal Corporation, when he was taking up the official work of removal of encroachment. Nature and seriousness of crime is an important consideration for determining whether pre-arrest bail needs to be granted or not. The Officer of the Corporation along with staff of the Municipal Corporation were performing public

duty of removal of encroachment on the public street, during the course of which, a high ranking Officer of Corporation was assaulted by the members of unlawful assembly, of which the present applicant/accused seems to be one of the member. The Injury Certificate shows that the Deputy Commissioner of the Municipal Corporation was beaten black and blue.

6 No case for pre-arrest bail is made out. The application is rejected.

7 At this stage, request is made for protection of two weeks. Considering the nature of offence, the request so made, is rejected.

(A. M. BADAR, J.)