

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1536 OF 2016

1	Sunil Prakash Shinge.	
2	Mrs. Hendrita Sunil Shinge @ Anamika Sunil Shinge.	... Applicants.
	Versus	
	The State of Maharashtra.	... Respondent.

Mr. Anil D'Souza, advocate for Applicant.

Ms. J.S. Lohokare, APP for State.

**CORAM : SMT. SADHANA S. JADHAV, J
DATE : FEBRUARY 7, 2017**

P.C.:

1 Heard the learned Counsel for the applicants 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 applicants herein are apprehending their arrest
in Crime No. 56 of 2016 registered at Vasai Police Station for offence

punishable under section 353, 332 read with Section 34 of the Indian Penal Code.

3 It is the case of the prosecution that on 2/6/2016 one Rajendra Balu Shirke, working as wireman in MSEB lodged a report at the police station that on 1/6/2016 when he was discharging his official duties, he had received a message from Mrs. Hendrita Sunil Shinge that there was power failure in her mother's house. They had been to site and checked transformer. He had received a phone call again and thereafter, at about 11.30 p.m., the applicants had been to the office and had abused the complainant as there was power failure in their house. It is alleged that there was an altercation and that the present applicants had abused the complainant and had assaulted him with fists and blows.

4 The learned Counsel for the applicants submits that in fact, wireman had not paid heed to the complaint given by the present

applicants and therefore, they were constrained to go to the office personally. That the complainant was not responding to their complaint and there was an altercation. However, the incident had been blown out of proportion by the complainant. In the facts of the case, custodial interrogation of the applicants would not be imperative. Hence, the interim relief granted in favour of the applicants vide order dated 1/9/2016 deserves to be confirmed on the same terms and conditions.

5 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered at the time of trial.

6 Hence the following order is passed.

ORDER

(i) The application is allowed.

(ii) In the event of arrest in Crime No. 56 of 2016 registered with Vasai Police Station, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each and one or two local sureties in the like amount.

(iii) The applicants shall attend police station as and when called by the investigating officer and cooperate with the investigating agency to the best of their capacity.

7 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)