

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1790 OF 2017

Umesh J. Sawant

...Applicant.

vs.

The State of Maharashtra

...Respondent.

Mr. U.R.Mankapure for the Applicant.

Mr. Prashant Jadhav, APP. for the State.

Mr.S.P.Kadam with V.V.Mohite i/by Siddharth Karpe for the Intervener

CORAM : A.S.GADKARI, J.

DATE : 10th October, 2017

P.C.

1. The applicant is apprehending arrest in CR No. 299 of 2017 registered with Jath Police Station, District Sangli under Sections 353, 354, 189, 504 and 506 of the Indian Penal Code.

2. The first information report is lodged by Smt. Pallavi C. Patil, Chief Officer attached to Palus Municipal Council, District Sangli and having additional charge of Chief Officer of Jath Municipal Council. It is alleged that on 15.9.2017 at about 6.00 p.m. Shri. D.G.More, Deputy Director of Municipal Council Administration, Worli, Mumbai conducted a surprise visit to verify the work undertaken by the Jath Municipal Council for construction of public toilets under the Clean India Mission. At that time other staff of the Municipal Council was also present. That, when Shri. D.G.More was addressing the persons present and the staff of the said Municipal Council, the applicant suddenly rushed to the Auditorium and started quarreling with Shri. D.G. More. He stopped the speech of

Shri. D.G.More abruptly and started abusing the first informant in filthy language. The applicant thereafter tried to attack the informant and outrage her modesty and further threatened her of lodging a false complaint against her. It is stated that, the applicant thus obstructed the complainant from discharging her official duty as a public servant and caused interference in Government work of a public servant. It is further stated that when the President of the said Council and other public servants tried to pacify him, the applicant also abused, threatened and pushed them. In the premise, the first information report is lodged.

3. Heard the learned counsel for the applicant, the learned APP. and the learned counsel for the intervener. Perused the record of investigation.

4. Learned counsel for the applicant submitted that as the applicant had earlier exposed the first informant of her illegal activities she was transferred from Jath Municipal Council and therefore, the first informant was having grudge against the applicant. He submitted that with a view to bring the work alleged to have been carried out of Public toilets was of sub standard quality and was not as per the requirement of Government, to the notice of Shri. D.G.More, who is the higher authority of the said department, he tried to make a representation about the same in the said meeting. He submitted that, as the first informant was having a grudge against him, the applicant has been falsely implicated in the present crime. He further submitted that the applicant did not make

any such utterance and try to assault the said Government servant and therefore, at the most Sections 504 and 506 of the Indian Penal Code can be applied to the present crime, which are bailable offences. He submitted that the applicant is a Corporator of the said Council and being a public servant he may be protected by pre-arrest bail..

5. The record of investigation clearly indicates that, the Investigating agency till today has recorded statements of various witnesses who were present at the scene of offence including the statement of Shri. D .G. More, Deputy Director of Municipal Council Administration, Mumbai. The said witness in unequivocal terms has corroborated the version of the first informant. He has categorically stated that the applicant rushed inside the Auditorium and stopped him from giving speech and started quarreling with him. That, the applicant thereafter abused the first informant in filthy language and threatened her that, the first informant will be implicated a false offence. He has stated that, there were many other persons present at the scene of offence and when the Officers of the said Municipal Council tried to pacify the scuffle, the applicant also threatened those persons of serious consequences.

6. The record further indicates that, the other witnesses have also supported the version of the first informant in its entirety. It is to be noted here that, now a days there is a rise in assault on public servants who are performing their lawful duty. The applicant being the Corporator of the said Municipal Council, it is expected from him to maintain the law

and order and help the public servants in performing their lawful duty. If the applicant was having any grudge or grievance against the first informant, he had to adopt proper legal remedy as may be permissible by the law. The conduct of the applicant is de hors of being a Corporator of the said Municipal Council.

7. The material collected by the Investigating agency till today, which is in the form of statements of witnesses, clearly discloses that the applicant used criminal force in the said meeting to the first informant and other public servants in the execution of their duties as such public servants with intent to prevent or deter the said public servants from discharging their duty. It further clearly appears that the applicant used criminal force against the first informant knowingly to be likely that he thereby outrage her modesty and the act of the applicant prima facie squarely falls within the ambit of Section 354 of the Indian Penal Code.

In view thereof it clearly appears that the applicant has committed the offences under Sections 353, 354, 189, 504 and 506 of the Indian Penal Code.

8. In view of the above, this Court is of the view that the applicant does not deserve to be protected by pre-arrest bail.

Application is accordingly rejected.

(A.S. GADKARI, J.)