

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2194 OF 2016

Lalbabu Ambikalal Gupta	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. Ashok Kumar Hiralal Prajapati, Advocate for the applicant.
Mr. Vinod Chate, APP for the State.
Mr. H.B. Mane-Patil, A.P.I., Pune Railway Police Station present.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **11th January, 2017.**

P.C.:

This Application is moved by the applicant-accused for pre-arrest bail, as the applicant/accused is apprehending arrest in C.R. No. 288 of 2016 registered with R.P.F. Police Station, Pune under sections 353, 333, 329, 109, 143, 144, 147, 148 of Indian Penal Code. The complaint is lodged at the instance of one Balasaheb Genbhau Konde on 12th November, 2016.

2. It is the case of the complainant that on 12th November, 2016 at Pune Railway Station 20 to 25 persons marched towards the office when he was on duty. They were angry because they had impression that some persons are accepting money and robbing off the railway commuters by representing the persons from Crime Branch. The complainant was attacked by the mob. Somebody assaulted him with sharp edged

weapons on his elbow. The persons in the mob took away his gold chain, wrist watch and ran away. It is the case of the complainant that applicant-accused is a social worker and he is the leader of one organization and he along with other 2 to 3 accused persons instigated the mob and therefore the incident has taken place.

3. The learned counsel for the applicant/accused has submitted that on the same day the applicant/accused gave complaint to Sr. P.I. that one police personnel from Reserve Police Force is collecting money forcibly from commuters. He submitted that the applicant/accused did not instigate the mob to attack the police. Whatever mentioned in the FIR is hearsay. The applicant/accused does not have criminal antecedents.

4. The Investigating officer is present. The learned APP opposed the Application.

5. Perused the FIR. The allegations against the applicant/accused are hearsay in the FIR. Learned APP or the police are not in a position to show me any statement disclosing direct involvement of the applicant/accused in instigating the mob. Therefore, though the offence under section 353 is registered against the applicant/accused and is made non-bailable from 2005 by way of amendment and as custodial interrogation of the applicant/accused is not required, I am inclined to

grant pre-arrest bail to the applicant-accused on the following terms and conditions:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, the applicant/accused be released on bail on furnishing P.R. Bond in a sum of Rs.15,000/- with one or two sureties in the like amount;
- (iii) The applicant shall not indulge into any criminal activity.
- (iv) The applicant shall cooperate the Investigating officer and shall attend the concerned police station as and when called.

6. The Application for anticipatory bail stands disposed of on above terms.

(MRIDULA BHATKAR, J.)