

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

ANTICIPATORY BAIL APPLICATION NO.1838 OF 2018

Shrikant @ Appa C. Kamble ... Applicant
Vs
State of Maharashtra ... Respondent
...
Mr. Jayant S. Bardeskar for the Applicant.
Mr. A.D.Khamkhedkar, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.

DATE : 19 DECEMBER, 2018

P.C. :

The Applicant is apprehending arrest in Crime No.104 of 2018 registered with Panhala Police Station, Kolhapur for the offences punishable under Sections 353, 323, 504 and 332 of the IPC.

2 Heard the learned counsel for the Applicant and the learned APP for the State.

3 Perused the FIR. The complainant is the public servant and is wireman working with the electricity department. It is alleged

that on 6.8.2018, he had gone to the house of the applicant for re-connecting the electricity. It appears from his complaint that it was not possible for him to correct the fault since it was late night. The complainant, therefore, assured that he would correct the fault on the next date. It further appears that the accused was insisting the complainant to climb on the electricity poll to restore electricity immediately which the complainant refused. Since the complainant refused to restore the electricity, the applicant abused and slapped him. On this expression, the subject crime was registered. Prima-facie, I am of the view that there is nothing in the complaint to indicate that the applicant had either prevented or deter the complainant from discharging duty as public servant.

5 In view of these facts, in my view, the offence under Section 353 of the IPC is not made out. It is made clear that these observations are prima-facie.

6 Thus, considering the facts of the case, I am inclined to grant this application. Hence, the following order:

- (1) The Application is allowed.
- (2) In the event of arrest of the applicant, the applicant be released on executing PR Bond of Rs.25,000/- with one or two sureties in the like amount.
- (3) The Applicant shall co-operate with the investigation and attend the concerned police station as and when required.
- (4) The Applicant shall furnish their contact details and residential address so as to enable the I.O. to contact them as and when required.
- (5) The Applicant shall not tamper with the prosecution evidence in any manner whatsoever.
- (6) The Application is disposed of.

(SANDEEP K. SHINDE, J.)