

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

ANTICIPATORY BAIL APPLICATION NO. 228 OF 2018

Nirmala Meghraj Waghmare

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. R. Y. Gaikwad i/b Raju Parad for the Applicant.

Mr. S.S. Hulke, APP for the Respondent/State.

CORAM : A.S.GADKARI, J.

DATE : 07th FEBRUARY, 2018

P.C.:

. This is an application under Section 438 of Cr.P.C. for pre-arrest bail in C.R. No. I-03 of 2018 registered with Bhiwandi City Police Station, Thane under Sections 353, 341, 427, 504, 143, 147 and 149 of the Indian Penal Code and under Sections 37(1), 135 of the Bombay Police Act and Under Sections 3 and 4 of the Criminal Amendment Act and Section 3 of the Protection of Public Property Act.

2 The FIR is lodged by Mr. Ravindra Fad, Assistant Police Inspector attached to Bhivandi City Police Station. It is stated that on 03.01.2018, a Morcha was organised under the leadership of one Mr. Vinod Arkade at 10.45 a.m. It is the allegation against the Applicant that she instigated the said Morcha to halt the traffic on the road and when the police Officers on duty tried to explain her and

pacify the situation, she along with other accused persons indulged into damaging public property and entered into altercations with the Police Officers on duty and prevented them from performing lawful duty.

It is further alleged that the Applicant along with other accused persons also indulged into scuffle with the police officers who were performing their lawful duty.

3 The learned Counsel appearing for the Applicant submitted that the Applicant has also been impleaded as an accused in a separate crime with similar allegations on same day. It is the said Vinod Arkade under whose leadership a protest Morcha was taken out by the people and the Applicant has nothing to do with the said crime. It is submitted that the Applicant is a law abiding citizen and cannot indulge into such activities. He therefore prayed that the Applicant may be granted pre-arrest bail.

4 Perused the record of investigation.

The FIR is eloquent enough to denotes the role played by the Applicant in the present crime thereby indulging into causing damage to the public property and indulging into scuffle with the police officers who were performing their lawful duty. The record clearly indicates that the Applicant has used criminal force to deter the Police Officer from discharge of their public duty as a public servant and has instigated other accused in causing damage to public property. Prima facie it appears that, provision of Section 353 is clearly applicable to the

present crime.

5 In view of the above and after taking into consideration the serious allegations against the Applicant and the gravity of the offence, this Court is of the view that the Applicant does not deserve to be protected by the pre-arrest bail.

6 Application is accordingly rejected.

(A.S.GADKARI, J.)