

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.355 OF 2018

Vidhya Gaikwad and Anr.

..Applicants

vs.

The State of Maharashtra

...Respondent

Mr. Gaurav Parkar for the Applicant .

Mr. S. R. Agarkar, APP for the Respondent.

Mr. S. B. Tapke, PSI Kalamboli Police Station.

CORAM : P. N. DESHMUKH, J.

DATE : 3rd APRIL, 2018

P.C.:

. Heard Mr. Parkar, learned counsel for applicant and Mr. Agarkar, learned APP for the State. Perused the case diary. Both these applicants seek anticipatory bail in C.R. No.4/2018 registered with Kalamboli Police Station for the offence punishable under section 341, 143, 147, 149, 336, 427 of IPC and section 3 of Prevention of Damage of Public Property Act, 1984 and under section 37(1) (3) of Bombay Police Act, 1951.

2. Learned counsel for applicants submitted that applicant No.1 is corporator of Panvel Municipal Corporation and is protected by interim order from arrest. It is further contended that the incident is in respect of damage caused to public property i.e two buses by breaking its glass, obstruction to vehicular traffic at Bombay-Pune Road in the wake of call given by somebody in the backdrop of incident of Bhima Koregaon. It is further submitted that no specific role can thus be attributed to applicants to establish their involvement to have caused damage to public property. Learned counsel for applicant by tendering at bar a copy of remand

application in respect of 4 accused submitted that as per the same, property seized in this crime are three small and medium sized stones and nothing more and thus, contended that interim protection granted to applicant No.1 be confirmed and applicant No.2 be protected from being arrested.

3. Learned APP on instructions makes a statement that incident which has occurred on 3/1/2018 involves more than 500 persons who were members of strike called by one of the party members in the background of incident which took place at Bombay-Pune Road of obstructing vehicular traffic and causing damage to public property that is two vehicles. Total number of accused arrested in this crime as per case diary are 4, while mob involved in the crime is stated to be of 500 persons.

4. In that view of the matter no specific role attributed to either of the applicants to establish that they have caused damage to public property even otherwise both applicants have roots in the society applicant No.1 being corporator of Panvel Municipal Corporation and applicant No.2 is a government contractor. Having considered the facts as aforesaid, and investigation is still in progress application is liable to be allowed as per order below:

ORDER

- i) Interim bail granted to applicant No.1 stands confirmed;
- ii) In the event of arrest of applicant No.2 in C.R. No.4/2018 registered with Kalamboli Police Station, he be released on bail on his executing P.R. Bond in the sum of Rs.50,000/- with one surety in the like amount;
- iii) Both applicants shall attend Investigating Officer if called till the filing of charge-sheet.

(P.N. DESHMUKH, J)