

909- ABA 1363 of 2018

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

ANTICIPATORY BAIL APPLICATION No. 1363 OF 2018

Milind Patil and Ors.

...Applicants

Vs.

State of Maharashtra

....Respondent

Mr. Gaurav Parkar for Applicants

Mr. Kadambari Bhawar for Original Complainant

Mr. S.S. Pednekar -APP

CORAM : SMT. SADHANA S. JADHAV, J.

DATE: JULY 12, 2018

P.C.

1. Heard. This is an application under section 438 of the Criminal Procedure Code.

2. The Applicants herein are apprehending their arrest in Crime No. 0077 of 2018 registered at Uran Police Station for the offences punishable under Section 143, 147, 148, 149, 341, 506(2), 504 and 427 of the Indian Penal Code. It appears that subsequently section 384 of the Indian Penal Code was added.

3. At the outset, the learned counsel for the Applicants seeks liberty to

withdraw the application in respect of Applicant No.1 and also seeks liberty to appear before the Magistrate.

4. Liberty as prayed for is granted in the interest of justice.

5. Perused the papers of investigation. It appears from the papers of investigation that the Complainant happens to be the Project Manager with Continental Warehousing Corporation Nhava Sheva Pvt. Ltd. On 28th of April, 2018, the present Applicants had assembled in front of his office. They had attacked the vehicle and had assaulted the officials of the company. It is alleged that the Applicant, who are residents of Village Khopta, Uran, were seeking employment in the company as they were project affected. That they were indulging in illegal tactics. They had vandalized the car of the complainant. That their images were captured in the CC Tv. Footage. It is apparent that they had formed unlawful assembly to pressurize the complainant.

5. Taking into consideration the nature of the allegations and the submissions advanced across the bar, Applicant Nos. 2, 3, 4 and 5 deserve pre-arrest bail. So far as Applicant No.2 is concerned, he shall appear before the concerned Magistrate on or before 23rd July, 2018.

6. In view of this, Applicant No.2 stands protected till 5.00 p.m. of 23rd July, 2018. The observations are prima facie in nature and shall not be taken into

consideration for deciding discharge application or at the time of trial. Hence, the following order:

ORDER

- (i) Application is partly allowed.
- (ii) In the event of arrest Applicant Nos. 1, 3, 4 and 5 be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- each and one or more solvent sureties in the like amount.

Application stands disposed of in the aforesaid terms.

[SMT. SADHANA S. JADHAV, J.]