

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

CRIMINAL BAIL APPLICATION NO.2322 OF 2018

Pravin Raghunath Bedse & Anr. .. Applicants

Vs.

State of Maharashtra .. Respondent

**WITH
CRIMINAL BAIL APPLICATION NO.2406 OF 2018**

Himmat Vilasrao Bedse .. Applicant

Vs.

State of Maharashtra .. Respondent

.....

Mr.Pranil K. Sonawane a/w. Alefiya Mandviwala, Advocate for the Applicants.

Mr.A.R. Kapadnis, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 8, 2018.

P.C. :

The applicants in both these applications were arrested in connection with C.R.No.I-418 of 2018, registered with Manpada Police Station, Dombivli, District-Thane on 12th August, 2018, for offences under Sections 332, 353, 504, 506 of Indian Penal Code (“IPC”, for short) and Sections 184, 185 of Motor Vehicles Act (“M.V. Act”, for short).

2 The prosecution case is that on 12th August, 2018, the police were on patrolling duty. At about 1:25 a.m., when the first informant was on duty at Kalegaon Check Post with his colleagues, he saw that a Swift car was being driven in zig zag manner. When the car had reached near them, they had signalled the driver to stop the car on the side of the road. Thereafter, the first informant asked the driver of the car to show the documents of the vehicle. Instead of showing the documents, the accused came out of the car and started assaulting the first informant with fist and kick blows. The first informant, therefore, informed the police station about the said incident and requested for additional police force for help. Within a short time two constables from Beat Marshal Squad and other police personal reached the place of incident. The accused tried to run away from the place. However, on account of muddy area, one of the accused fell down and sustained injury. Eventually all of them were arrested.

3 All the applicants preferred common application for bail before the Court of Sessions at Kalyan. The said application was rejected on 3rd September,2018.

4 Learned Advocate for the applicant submitted that there is delay in registration of FIR. The alleged incident had occurred at about 1:25 a.m. on 12th August, 2018. however, the FIR was registered at about 8:30 a.m. it is submitted that the accused were driving the vehicle in a zig zag manner since on account of heavy rain there were potholes on the road and to avoid the same they were required to drive the vehicle, as stated hereinabove. It is further submitted that all the documents relating to the car were handed over to the police. However, the police abused the applicant and also assaulted them. The applicants had sustained injury. It is further submitted that the learned Sessions Judge, while rejecting the application of the applicant in Bail Application No.2406 of 2018, had taken into consideration a previous case registered against one of the applicant. It is submitted that the case has resulted on account of the family dispute and the public at large has no concern with the said case. It is submitted that the applicants are in custody from 12th August, 2018. Further custody of the applicants is not necessary.

5 Learned APP submitted that the applicants have no regard for law. Instead of cooperating with the police and

showing the requisite documents with regards to registration of car, the accused had assaulted the police on duty and have obstructed in discharge of duty. It is submitted that the applicants - accused were driving car zig zag manner and therefore they were stopped and inquiries were made with them. It is submitted that the applicant in Bail Application No.2406 of 2018, is having one criminal antecedent. It is submitted that the accused who have no respect for law are not entitled for grant of bail.

6 The applicants were arrested on 12th August, 2018. since then they are in custody. It is pertinent to note that one of the applicant had sustained injury to his head and leg. In the first information report the first informant has stated that while trying to run away from the place of incident, one of the accused has slipped in the mud which has resulted in injury to his head and abrasion to his leg. However, it is the case of the applicants that they were abused and assaulted by the police. Considering the nature of allegations further detention of the applicants is not necessary. They are in custody from the date of arrest. Initially, they were remanded to police custody and subsequently to judicial custody. Considering the aforesaid circumstances, the case for grant of bail is made out.

7 Hence, I pass the following order:

:: ORDER ::

- (i) Bail Application Nos.2322 and 2406 of 2018, are allowed;
- (ii) Applicants are directed to be released on bail in connection with C.R.No.I-418 of 2018, registered with Manpada Police Station, Dombivli, District - Thane, on their furnishing P.R. Bond in the sum of Rs.25,000/-, each, with one or more sureties in the like amount;
- (iii) Applicants shall attend Manpada Police Station, Dombivli, District-Thane, on first Saturday of every month between 10:00 a.m. to 12:00 noon, till further orders;
- (iv) Bail Application Nos.2322 and 2406 of 2018, stand disposed of.

(PRAKASH D. NAIK, J.)