

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

ANTICIPATORY BAIL APPLICATION No. 1918 of 2018.

Shailesh Chaban Pawar

..Applicant.

Vs

State of Maharashtra

..Respondent.

Mr. Piyush Toshniwal a/with Aniket Nikam a/with Mr. Ashish Satpute for the applicant.

Mr S. H. Yadav, APP for the State.

Mr. P.S. Swami, Police Sub-Inspector, Band Garden P.S.Pune City present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATE : 19TH SEPTEMBER, 2018

P.C:-

1) This is an application under Section 438 of Criminal Procedure Code for pre-arrest bail, filed by the aforesaid applicant who is apprehending arrest in C.R.No. 237 of 2018 registered at Sahakar Nagar Police Station, Pune for offences punishable under Sections 353, 504, 506 read with section 34 of Indian Penal Code.

2) Heard Mr. Piyush Toshniwal, learned counsel for the applicant and Mr. S.H. Yadav, learned APP for the State. Perused the records and considered the submissions advanced by the learned Counsels for the respective parties.

3) The aforesaid crime was registered pursuant to the

first information report lodged by Gangadhar Bapurao Wagalgave, the Police Constable attached to Sahakar Nagar Police Station, Pune City. A perusal of the first information report prima facie reveals that the complainant was on patrolling duty, during the intervening night of 4th and 5th September, 2018. At about 1:00 a.m. he noticed that one Pan stall by name “Monster Energy Point” was still open. He asked the name of the person who was running the said Pan Stall and told him to close the stall. The first informant has alleged that the said person refused to disclose his name and called some one on the cell phone. Immediately thereafter the applicant came to the spot and abused and threatened the first informant and obstructed him from discharging his official duty.

4) The learned counsel for the applicant submits that one Naina Maruti Potdar, who is an acquaintance of the applicant, had lodged a complaint against the first informant for abusing and insulting her in filthy language. It is stated that the first information report has been lodged as the counter blast to the N.C. lodged by said Naina Potdar. It may be mentioned that said Naina Potdar is not related to the applicant and there is no nexus between the said N.C. complaint lodged by Naina and the

FIR lodged by the first informant. Hence, in my view, prima facie there is no reason to doubt and discard the FIR.

5) Be that as it may be, the offences alleged against the applicant are punishable with imprisonment for less than seven years. There is delay in lodging the first information report by the first informant. The nature of allegations levelled against the applicant do not justify custodial interrogation of the applicant. The applicant is a permanent resident of Dhanakwadi Pune. There are no chances of his absconding.

6) Considering the above facts and circumstances, the applicant is entitled for pre-arrest bail on the following terms and conditions:-

(i) Application is allowed.

(ii) In the event of arrest in C.R. No.237 of 2018 registered at Sahakar Nagar Police Station, Pune City, now transferred to Band Garden Police Station, Pune, the applicant be released on bail on his furnishing bail bonds of Rs. 25,000/- with one or two sureties in the like amount to the satisfaction of the concerned Investigating Officer.

(iii) The applicant shall report to the concerned Investigating Officer as and when required for the purpose of investigation.

(iv) The applicant shall furnish his permanent and temporary address, if any, and his contact details to the Investigation Officer.

(v) The applicant shall not change his residential address without prior intimation to the Investigation Officer.

(vi) The applicant shall not interfere with the complainant/first informant, other witnesses and shall not tamper with the evidence in any manner.

7) The application is disposed of in the above terms.

(SMT. ANUJA PRABHUDESSAI, J.)

Radhakishan
Shivlal
Ladda

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by Radhakishan
Shivlal Ladda
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2018.09.24
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