

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

CRI. ANTICIPATORY BAIL APPLICATION NO.2131 OF 2018

Taranjeet Singh Khokhar @ Sonu .. Applicant

Vs.

The State (Versova Police Station) .. Respondent

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Mr.Pravin Padave I/b. Mr.Ramesh Mishra, Advocate for the Applicant.

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

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CORAM : PRAKASH D. NAIK, J.

DATED : OCTOBER 16, 2018.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.342 of 2018 registered with Versova Police Station, Mumbai, for the offences punishable under Sections 353, 323, 504 read with 34 of Indian Penal Code (“IPC” for short) and Section 85(1) of the Maharashtra Prohibition Act.

2 Applicant preferred an application for anticipatory bail before the Sessions Court, which has been rejected by order dated 4th October, 2018.

3 It is the case of the prosecution that on 23rd September, 2018, the complainant was posted on duty on account of Anant Chaturdashi at Kamdhenu Junction, Four Bungalows, Mumbai and was attending Bandobast duty. Complainant along with PSI Totawar were patrolling through motor cycle. They noticed three persons under the influence of liquor and were quarreling with the police constable, who tried to convince them. Hence, the complainant stopped and made inquiries with the police constable. At that time, the accused were aggressive and they started abusing and threatening the police. They also assaulted the policemen on duty. The applicant had charged and had also abused them. Other persons, who had accompanied the applicant had assaulted the police. Two persons were apprehended on the spot and were found to be under the influence of liquor. Applicant then ran away from the place of incident on a motor cycle.

4 Learned advocate for the applicant submits that the custodial interrogation of the complainant is not required. He was involved in community service on account of Anant Chaturdashi. He was not attributed role of assaulting the police, and, therefore, he cannot be subjected to custody.

5 Learned APP submitted that clear role has been attributed to the applicant in the FIR. Other persons who were apprehended were found under the influence of liquor. The incident had occurred at about 4:00 p.m. on 23rd September, 2018. It is submitted that the applicant has no regard for law and had obstructed policemen while discharging their duty. On perusing the FIR, it is noticed that the applicant was aggressive and charged at the police officer who questioned him. The prosecution case is that the Applicant and his associates were under the influence of liquor and they were quarreling with the police constable and when questioned, one of them had assaulted the policemen. Although the alleged role of assault is not attributed to the applicant, he was amongst others and he had charged at the police men. In the circumstances, applicant is not entitled for relief under Section 438 of Criminal Procedure Code, and, hence, application is rejected.

(PRAKASH D. NAIK, J.)