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

ANTICIPATORY BAIL APPLICATION NO.2370 OF 2018

Vijay Pralhadrao Sawarkar

..Applicant

Vs

The State of Maharashtra

..Respondent

Mr. R.G. Patil for applicant.

Ms. Rutuja Ambekar, AAP for State.

CORAM : A.S.GADKARI, J.

DATE : 22nd November 2018.

P.C.:

1] This is an application under Section 438 of Cr. P.C for pre-arrest bail in CR No.336 of 2018 dated 31.10.2018 registered with Vishrantwadi Police Station, Pune under sections 353, 332 read with 34 of the Indian Penal Code.

2] Heard the learned counsel appearing for the applicant and the learned APP for the State. Perused the record.

3] The first information report is lodged by Shri Vikas Jadhav, an employee of Maharashtra Electricity Distribution Corporation. It is the prosecution case that, when the informant along with his co-employees had been to the meter room of the Society of the applicant, it was noticed that the applicant had committed theft of electricity by bye-passing neutral wire and was

drawing illegal electricity for his personal benefit. When the first informant questioned the applicant about the same and told him that he will lodge a complaint about the same with the higher authority, the applicant abused informant in filthy language and assaulted him. In the first information report, the first informant has categorically stated that, the applicant has given kick on his private part and also assaulted him with plier (pakkad). The medical certificate issued by the Medical Officer, Sassoon Hospital, Pune corroborates the version of the first informant.

4] The allegation against the applicant is that, he assaulted a public servant who was performing his lawful duty. Prima facie it appears that, the applicant is the main perpetrator of the present crime i.e. the offence punishable under section 353 of the Indian Penal Code. The plier (pakkad) used in the crime is yet to be recovered by the police and the same is not possible without there being through interrogation of the applicant by the police.

5] After taking into consideration the aforesated facts, the record of investigation, so also serious allegations against the applicant and the gravity of offence, this Court of the considered view that the applicant does not deserve to be protected by pre-arrest bail.

6] Application is accordingly rejected.

(A.S.GADKARI, J.)