

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

ANTICIPATORY BAIL APPLICATION NO.32 OF 2019

- 1) Shrikant Bhardwaj; and
- 2) Sunilkumar Haradyanath Vishwkarma .. Applicants

Vs.

State of Maharashtra & Anr. .. Respondents

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Mr.R.N. Kachare, Advocate for the Applicants.

Mr.S.R. Agarkar, APP for the Respondent – State.

Mr.Sunil Ghuge, PI Chitalsar Police Station, District-Thane,
present.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 9, 2019.

P.C. :

This is an application for anticipatory bail in connection with C.R.No.I-132 of 2018, registered with Chitalsar Police Station, District-Thane, for the offences punishable under Sections 385, 505 read with 34 of Indian Penal Code.

2 The case of the prosecution is that the complainant is in the construction business and has taken development work under SRA Scheme at Subhash Nagar, Pokhran Road-2, Thane

(West). The accused had established Subhash Nagar Nivara Hakka Sangharsh Samiti and had published defamatory matter in respect to the project of the complainant and distributed it in Subhash Nagar area. Accused has also demanded money and threatened the complainant. It is alleged that the threats were issued on 22nd September, 2017. Information about the offence was given to the police station on 28th June, 2018. First Information Report was lodged on 28th September, 2017.

3 The family members of the applicants were concerned with the SRA project, which are undertaken by the complainant. It appears that the applicants had filed PIL in this Court, which was disposed of. Learned counsel for the applicants submits that the applicants were permitted to initiate appropriate proceedings before the competent Court. In pursuant to that applicant no.1 has filed a private complaint in the Court of learned Magistrate and the same is pending. Learned APP submits that the applicants have indulged in the act of threatening the complainant and employee of complainant. The said fact is supported by the statement of the employee of the alleged company. Considering the fact that the applicants are concerned with the development of the project and have initiated the proceedings against the

complainant and also considering the fact that the complaint is lodged belatedly, case for grant of anticipatory bail is made out.

4 Hence, I pass the following order:

:: ORDER ::

(i) Anticipatory Bail Application No.32 of 2019 is allowed;

(ii) In the event of arrest of the applicants in connection with C.R.No.I-132 of 2018, registered with Chitalsar Police Station, District-Thane, they be released on bail on their furnishing P.R. Bond in the sum of Rs.20,000/-, each, with one or more sureties in the like amount;

(iii) Applicants shall report the investigating officer on 28th, 29th and 30th January, 2019, between 11:00 a.m. to 1:00 p.m., and, thereafter, as and when called for by the investigating officer, till filing of the charge-sheet;

- (iv) Applicants shall attend the trial Court regularly on every date of hearing unless exempted by the Court;
- (v) Applicants shall not tamper with the prosecution evidence;
- (vi) Anticipatory Bail Application stands disposed of.

(PRAKASH D. NAIK, J.)