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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.156 OF 2019

Vishal Dasharath Jadhav	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

ANTICIPATORY BAIL APPLICATION NO.157 OF 2019

Shakuntala Dasharath Jadhav	..Applicant.
V/s.	
State of Maharashtra	..Respondent.

Ms.Anita Agarwal for the applicant in both the applications.

Ms. Sharmila S.Kaushik, APP for the respondent-State.

Mr.R.P.Bhagal, P.S.I. Pune city.

CORAM : NITIN W. SAMBRE, J.

DATE : JANUARY 24, 2019

P.C.:-

Heard learned counsel for the applicants and learned
APP for the State.

2. In crime No.474/2018 for offence punishable under sections 353, 504, 506 read with 34 of the Indian Penal Code registered with Wanworie police station, Pune, the applicants are seeking pre-arrest bail.

3. Both the applicants suffered an order under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('SARFAESI Act' for short) as loan taken by the applicants were not repaid.

4. While executing the order under sections 13 and 14 of the SARFAESI Act to the extent of taking possession of the property, which was mortgaged by both the applicants, interference in discharge of official duty of the revenue officer was reported against both the applicants i.e. mother and son.

5. The revenue officer is duty bound under the statute to execute the warrant of possession and the act of the applicants in preventing a public servant from discharging his duty and creating impediment by way of physical interference can be considered to be sufficient material to attract the ingredients of section 353 of the Indian Penal Code.

6. During the course of arguments, it is brought to the notice of this Court that the possession of the property is already taken over and the process of auction is already initiated.

7. For the aforesaid act, if the conduct of the applicants in both the application is appreciated, particularly in the backdrop of the resistance noticed at the behest of accused-applicant Vishal Dashrath Jadhav in Anticipatory Bail Application No.156 of 2018, who had on earlier occasion also repeated the said conduct, it will be appropriate to reject the application of the said applicant.

8. So far as applicant Shakuntala Dashrath Jadhav, the applicant in Anticipatory Bail Application No. 157 of 2019 is concerned, considering the fact that there are no antecedents and she being a lady, it will be appropriate to order her release. Hence the order :-

- i) The Anticipatory Bail Application No.156 of 2019 of the applicant Vishal Dashrath Jadhav stands rejected;
- ii) In the event of arrest in Crime No.474/2018 for offence punishable under sections 353, 504, 506 read with 34 of the

Indian Penal Code registered with Wanworie police station, Pune, the applicant Shakuntala Dasharath Jadhav in Anticipatory Bail Application No.157 of 2019, be released on bail on her executing P.R. bond of Rs.10,000/- with one surety in the like amount;

- iii) The applicant Shakuntala Dasharath Jadhav shall attend the Investigating officer as and when directed;
- iv) The applicant shall not influence the prosecution witnesses or tamper with the evidence;
- v) The applicant shall co-operate with the investigating agency;
- vi) Both the applications stand disposed of accordingly.

(NITIN W. SAMBRE, J.)