

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

ANTICIPATORY BAIL APPLICATION NO. 371 OF 2019

Chandan Vilas Meher	... Applicant
Vs.	
The State of Maharashtra	... Respondent

...

Mr. Vaibhav Karnik for the applicant.
Mr. R.M. Pethe, APP for the Respondent-State.
Mr. R.V. Bhakare, PSI, Dahanu Police Station is present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 12th FEBRUARY, 2019.**

P.C.

1. This is an application for anticipatory bail in CR No. 192 of 2018 registered with Dahanu Police Station for the offence punishable under Sections 353, 504 read with 34 of Indian Penal Code. First Information Report was lodged on 29th December, 2019.

2. The prosecution case is that the complainant is police constable attached to Treasury Office and was on the way to his duty. He has noticed that some traffic jam occurred on the road. Hence, the complainant questioned the person who was quarreling and it was noticed that applicant was driving the scooter and there

was accident with other vehicle. Complainant told the applicant and his associate to lodge the complaint with the police instead of creating nuisance on the road and hurdle to the traffic. It is alleged that applicant had pushed the complainant and other accused had assaulted the complainant. FIR was lodged on 29th December, 2018.

3. On perusal of the first information report, it is apparent that there was altercation between the two groups who were driving their respective vehicles. It appears that applicant had allegedly pushed the complainant and thereafter left the scene of offence. The other accused was attributed the role of assaulting the complainant who was arrested on the spot. Learned counsel for the applicant submits that the first information report has been lodged after a period of four hours from the date of incident, no action was initiated against the person who was driving the Scorpio vehicle and instrumental in dashing the scooter of the applicant.

4. Learned APP submitted that there are eye witnesses to the incident who has attributed role to the applicant. Presence of the applicant is established at the scene of offence.

5. As stated above, during the course of altercation, applicant

had allegedly pushed the complainant as he was agitated against the opponents who were driving the Scorpio vehicle and no action was initiated against him. Other accused was arrested and granted bail. On this factual aspect of this matter, I do not find that case for custodial interrogation is made out and hence application deserves to be allowed.

ORDER

- i. In the event of arrest of applicant in connection with CR No. I-192 of 2018 registered with Dahanu Police Station, the applicant shall be released on bail on furnishing PR Bond in the sum of Rs. 20,000/- with one or more sureties in the like amount;
- ii. Applicant shall attend the Investigating Officer of the concerned Police Station on 18th February, 2019 and 20th February, 2019 between 11 a.m. to 1 p.m.
- iii. Anticipatory Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)