

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

ANTICIPATORY BAIL APPLICATION NO. 431 OF 2019

Raju Laxman Pachapure ... Applicant

Versus

The State of Maharashtra ... Respondent

Mr. Ashok P. Mundargi, Senior Counsel I/by Kedar Patil for Applicant.
Ms. Rutuja Ambekar, APP for Respondent – State.

CORAM : NITIN W. SAMBRE, J.
DATE : FEBRUARY 20, 2019.

P.C. :

. In Crime No. 38 of 2019 for an offence punishable under Sections 394, 504, 324, 323 read with Section 34 of the Indian Penal Code the Applicant is seeking pre-arrest bail.

2. Mr. Mundargi, the learned Senior Counsel for the Applicant submits that Applicant is falsely implicated in the crime in question for the reason of he having preferred various complaints against the public servants who were convicted. According to the learned Senior Counsel since the Applicant is whistle blower, in 2014 Division Bench has already ordered police protection in favour of the Applicant.

3. In addition the learned Senior Counsel would urge that in another crime which is registered against the present Applicant being Crime No. 45 of 2019 punishable under Section 384, 506 read with Section 34 of Indian Penal Code the Applicant is ordered to be released on pre-arrest bail. He has also invited attention of this Court to the order of discharge passed in two cases wherein the Applicant was charged with an offence punishable under Section 328 of Indian Penal Code. The submissions are, even if the contents of FIR are appreciated, no evidence could be inferred against the Applicant which warrants custodial interrogation.

4. The learned APP would strenuously opposed the claim and submits that the Applicant is a history sheeter. According to the learned APP, discharge of the Applicant is based on non-compliance of the mandatory provisions of the Food Safety Act. Additional submission is made that the Applicant has not honoured the terms of bail in Crime No. 45 of 2019.

5. Having appreciated the submissions, the FIR in categorical terms speaks of the role attributed to the Applicant of assaulting complainant with a wooden log. There is no role attributed to the

Applicant *qua* an offence under Section 394 of IPC. The injury certificate speaks of the simple injuries suffered by the complainant. The incident appears to have taken place out of some differences between the Applicant and complainant as the windows of the Applicant's vehicle were damaged by the complainant and Applicant went for getting an explanation from the complainant.

6. Apart from above, the offences against the present Applicant which are placed on record by the learned APP in the form of criminal antecedents appears to be under the Food Safety Act. That being so, in my opinion, as a case for non-requirement of custodial interrogation is made out, present Application is allowed. Hence, the following order.

ORDER

- (A) In the event of arrest in Crime No. 38 of 2019 for an offence punishable under Sections 394, 504, 324, 323 read with Section 34 of the Indian Penal Code the Applicant be released on executing PR Bond of Rs.25,000/- with one surety in the like amount.
- (B) The Applicant shall attend the Investigating Officer on 22nd, 26th, 28th February 2019 and thereafter on every Monday of each

calender month till filing of chargesheet between 10.00 a.m. to 12.00 noon.

- (C) The Applicant shall neither tamper the evidence of prosecution nor influence the prosecution witnesses.

7. Anticipatory Bail Application stands disposed of accordingly.

(NITIN W. SAMBRE, J.)