

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.535 OF 2019

Sachin Mohan Jadhav, Age 42 years,
Occ.Journalist, R/o.Arjuli, Post Padgha,
Tal.Bhiwandi, Dist.Thane.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Vitthal V. Gumade for applicant.

Mrs.A.A.Takalkar, APP, for Stae.

Mr.Sachin S. Kashid, PSI, Padgha Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th March 2019

PC :

1. The applicant is seeking anticipatory bail vide Section 438 of Code of Criminal Procedure, 1973 in connection with CR No.I-33 of 2019 registered with Padgha Police Station, District Thane for offences under Sections 353, 323,, 504, 506 r/w Section 34 of Indian Penal Code.

2. The FIR was registered on 23rd January 2019 at the instance of Police Havaladar attached to Padgha Police Station alleging that at the relevant time on 23rd January 2019, he was on duty at Nashik highway and deputed for controlling traffic wherein he was checking one of the tempo driver. The applicant and another person came in their car. They over took one tempo and took the car in reverse direction and stopped in the middle of road. On inquiry the accused no.1 got down from the car and questioned the complainant as to whether he knows who he is. The complainant told him to take the

car at the side of road. The accused no.1 caught hold of the collar of complainant and accused no.2 abused and threatened him. The accused no.1 manhandled the complainant and threatened him of dire consequences. Both of them were taken to police station. Other accused were arrested, however, the applicant left police station.

3. The applicant preferred application for anticipatory bail before Sessions Court which was rejected vide order dated 22nd February 2019.

4. Learned advocate for applicant submitted that the applicant has been falsely implicated in this case. He is a social worker and had objected the actions of complainant who was trying to extort money from one driver, who was proceeding in a wrong direction. There was no question of scuffle as alleged. The complainant is not concerned with traffic and was indulging in extortion activities. On being questioned about the acts of complainant, the applicant has been falsely implicated in this case. There is delay in lodging the complaint. The co-accused was arrested and granted bail.

5. Learned APP submitted that in spite of knowing that complainant is a public servant and was discharging his duty, the applicant along with co-accused have obstructed him from discharging of his duty. The complainant was abused, threatened and manhandled. It is further submitted that the applicant was involved in six cases in last about ten years. The offences were registered against applicant vide CR Nos.174 of 2008, 161 of 2011, I-64 of 2010, I-418 of 2017 and I-347 of 2017 with Padgha Police Station. Learned counsel for applicant, however, submitted that the

applicant has been acquitted vide judgment and order dated 3rd May 2008 in connection with Sessions Case No.58 of 2017.

6. I have perused the FIR. It is apparent that specific overt act has been attributed against applicant and co-accused. The accused caught hold of the collar of complainant and threatened him of dire consequences. The complainant was manhandled and abused by the accused. The submission advanced by the advocate for applicant are his probable defenses which can be agitated at the time of trial. There are criminal antecedents against applicant. The public servant was obstructed while discharging his duty. In the past offences were registered against applicant under various provisions of Indian Penal Code.

7. Considering the factual aspects of matter and rule attributed to the applicant, no case for grant of anticipatory bail is made out. Hence, I pass following order :

ORDER

(i) Criminal Anticipatory Bail Application No.535 of 2019 is rejected.

(PRAKASH D. NAIK, J.)

MST