

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.580 OF 2019

Ajay Dattaram Kothare, Age 25 years,
Occ.Plumber, R/o.Ambedkar Nagar,
Naya Nagar, Mahim Link Road, Mahim West,
Mumbai-400 016.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Mayur V. Farid for applicant.

Mr.S.R.Agarkar, APP, for State.

Mr.Chougule, PSI, Dadar Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th March 2019

PC :

1. This is an application for anticipatory bail in CR No.36 of 2019 registered with Dadar Police Station for offences under Sections 332, 352, 353, 504 r/w 34 of Indian Penal Code.

2. The case of the prosecution is that there was a dispute between applicant and his wife. Complaint was purportedly lodged against applicant with Dadar Police Station. Pursuant to that, the applicant, his sister and mother had visited police station. It is alleged that the accused had created ruckus at the police station. They shouted at police. The accused used abusive language. The applicant was armed with bamboo and threatened police.

3. The applicant preferred application for anticipatory bail before the Sessions Court which was rejected. The co-accused was granted anticipatory bail. Learned counsel for applicant submits that the applicant has been falsely implicated in this case. On the contrary, the

applicant and other accused were subjected to assault at the police station. It is submitted that the applicant had not used any criminal force against policemen on duty.

4. Learned APP, however, submits that the applicant had abused the policemen on duty. He was armed with bamboo stick and was threatening police. Applicant has obstructed the policemen while discharging their duties.

5. I have perused the FIR. There appears to be dispute between the applicant and his wife. The applicant and others had allegedly attended police station. Applicant was allegedly armed with bamboo stick. No role of assault is attributed to the applicant. It is true that the applicant is not supposed to misbehave and create ruckus at police station. However, considering the factual aspects, custodial interrogation of the applicant is not required.

6. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.580 of 2019 is allowed and disposed off;
- (ii) In the event of arrest of applicant in connection with CR No.36 of 2019 registered with Dadar Police Station, the applicant be released on bail on furnishing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) Criminal Anticipatory Bail Application No.580 of 2019 is disposed off.

(PRAKASH D. NAIK, J.)