

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

ANTICIPATORY BAIL APPLICATION NO. 806 OF 2019

Pratap Sadanand Chipkar & Ors.	...Applicants
Vs.	
State of Maharashtra	...Respondent

- Mr. Rakesh S. Patil, Advocate for the Applicant.
- Ms. S. S. Kaushik, APP for the State.
- Mr. Vivek Vijay Farande, PC-1315, Malvan Police Station, Dist. Sindhudurg.

CORAM : SARANG V. KOTWAL, J.
DATE : 26th AUGUST, 2019

P.C. :

1. The applicants are seeking anticipatory bail in connection with CR No. 48/19 registered at Malvan Police Station, district Sindhudurg under Section 353 read with section 34 of the IPC.
2. The FIR was lodged on 22nd March 2019 by one Chetan Gosavi, who was working with City Survey Office. He has stated that one Vikas Mandye had made an application for carrying out measurement of the land bearing survey no. 495/4. Initially the date for measurement was fixed was 12th March 2019. At that time, the applicant no. 1 took objection. Thereafter, the applicant no. 1 and one Sanjay Redkar were informed through a letter that

the next date for measurement was fixed on 22nd March 2019. The applicant no. 1 again made an application dated 19th March 2019 for cancellation of measurement procedure. He was intimated by written letter that if the measurement was to be cancelled, the applicant no. 1 had to obtain the orders from civil court injuncting the authorities to cancel the measurement. On 22nd March 2019, the informant went there for measurement. At that time, the applicant no. 1 and 2 again gave an application raising objection. It is further alleged that all the applicants obstructed in carrying out measurement and therefore, the measurement could not be carried out. On this basis the FIR is lodged.

3. Heard, Mr.Rakesh Patil, learned counsel for the applicants as well as Ms. Kaushik, learned APP for the State.

4. The learned counsel for the applicants submits that the FIR itself shows that there was no force used by the applicants. The authorities were not abused and they were not forcibly prevented from carrying out the measurement. He submitted that custodial interrogation of the applicants is not necessary.

5. Learned APP submitted that the applicants used the ladies

and children from their family and obstructed the measurement process.

6. I have considered these submissions. The FIR does not show that the applicants were using any force or had acted in any offensive manner. Learned APP on instructions states that the police were present at that time. Custodial interrogation of the applicants is not necessary. It will bring nothing further on record than what is mentioned in the FIR.

7. In this view of the matter, the applicants deserve the protection on anticipatory bail. Hence, the following order:-

ORDER

(i) In the event of their arrest in connection with C.R. No.48/19 registered at Malvan Police Station, district Sindhudurg, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties each in the like amount.

(ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)