

Dond

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

ANTICIPATORY BAIL APPLICATION NO. 880 OF 2019

Miss. Ruhi Shaileshkumar Singh

..Applicant

Vs

The State of Maharashtra

..Respondents

Mr. S.P. Kadam I/b Mr. Datta Mane for the Applicant.

Ms. Rutuja Ambekar, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 11th April 2019.

P.C.:

1] This is an application under Section 438 of Cr. P.C. for for pre-arrest bail in CR No.204 of 2019 dated 1.4.2019 registered with Khar Police Station, Mumbai under sections 353, 332, 323, 504, 510 read with 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicant and the learned APP. Perused the record of investigation.

3] The first information report is lodged by Shri Lakshmikant Shetye, Police Constable attached to Khar Police Station, Mumbai.

It is the prosecution case that, on 1st April 2019 at about 2.00 a.m the police personnel were on patrolling duty, when they received a

call from K.F.C., Linking Road, Khar (West), intimating that, a quarrel has taken place at the said spot and the police help was necessary. Accordingly, the police personnel on duty immediately went to the said place and found that, the staff of K.F.C. outlet and four other persons including the applicant herein were indulging into a quarrel. The Police Constable by name Shri Rane tried to pacify the said quarrel and requested one of K.F.C. staff to accompany him to lodge the complaint, when the woman (applicant) and her two accomplice started quarreling with the police. It is the further prosecution case that, when the Assistant Police Sub-Inspector Shri Govale and other police personel on duty tried to explain the applicant and her accomplice, they started abusing the police in filthy language. When the first informant was taking videograph of the said incident, the applicant rushed towards him and snatched his mobile and threw it away. The applicant also caught hold the collar of the said police on duty and assaulted him by slapping on his face and scratched his neck by her nails. Her (applicant's) accomplice also assaulted the first informant. The police personnel thereafter apprehended the said three persons i.e. the applicant and her two accomplice. At that time also the applicant started abusing the police, went out and sat inside her car and locked its door. The other two

accomplice were apprehended by the police on the spot. One woman constable present at the said site noticed that, the applicant was in inebriated condition. During the preliminary investigation, the name of the applicant was revealed as “Miss. Ruhi Singh” , the applicant herein. In the premise, the first information report is lodged.

4] The learned counsel for the applicant submitted that, it is the applicant who in fact called the police help. That if the applicant had intention to assault the police personnel, she would not have called the police help. However, he fairly conceded to the fact that, the presence of the applicant at the said place cannot be doubted. He submitted that, the applicant is a woman and she may be protected by pre-arrest bail by allowing the present application.

5] The first information report is self-eloquent. The record of investigation indicates that, it is the applicant who was present at the scene of offence and abused the police personnel on duty in filthy language. The applicant also assaulted the first informant Shri Lakshmikant Shetye, a Police Constable who was performing his lawful duty. The record further indicates that, the uniform of the police constable has been torned by the applicant in the said incident. The applicant was in inebriated condition. If

the applicant had bonafide intention to call for police help, she would not have assaulted the police personnel and would have co-operated with them in maintaining the law and order situation.

6] It is to be noted here that, the instances of assault on public servants performing their lawful duty are on rise in the metropolis of Mumbai and Thane. It is therefore necessary to deal with such offenders sternly. The applicant ought to have co-operated with the Police personnel on duty which she did not do and instead she has abused and assaulted them. The applicant therefore does not deserve any sympathy and/or leniency by the Court.

7] Apart from the aforesated crime, the applicant committed another crime on the same day which is a sequel of the first crime. The learned APP tendered a copy of the first information report bearing CR No.145 of 2019 registered with the Santacruz Police Station, Mumbai against the present applicant dated 1.4.2019 under section 279, 427, 504 of the Indian Penal Code and under section 185 of Motor Vehicles Act, 1988. That after commission of first crime, the applicant sat in her car as noted earlier and drove it in rash and negligent manner and at about 2.30 a.m dashed it to other vehicles which were parked on the road. When the

people from the vicinity reached to the spot, they noticed one black Asta car of Hyundai Company dashed to the cars which were parked on road and one woman in inebriated condition was standing near it. Upon enquiry by the residents of the said area, the applicant started abusing them in filthy language. In the meantime, the police arrived at the scene of offence and apprehended the applicant. The name of the said woman is revealed as Ms. Ruhi Singh, the applicant herein. Her blood sample has been taken and sent to the Forensic Science Laboratory. As per the statements of the witnesses in the said crime i.e. CR. No.145 of 2019, the applicant was in inebriated condition and was apprehended by the Police on the spot.

8] In view of the above and after taking into consideration the gravity of offence and the serious allegations against the applicant, this Court is of the opinion that, the applicant does not deserve to be protected by the pre-arrest bail.

9] Application is accordingly rejected.

(A.S.GADKARI, J.)