

Anand

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

BAIL APPLICATION NO. 2082 OF 2019

Dinesh Anant Salvi .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Rajendra Shirodkar a/w Mr. Nihar Ghag i/b. Mr. Archit Sakhalkar, Advocate, for the Applicant
Mr. A. A. Palkar, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 26.07.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks his enlargement on bail in connection with C. R. No. 205 of 2019 registered with the Charkop Police Station, Mumbai for the alleged offences punishable under Sections 307, 353, 332, 504 & 385 of the Indian Penal Code.

3. Perused the papers. The Complainant – Pranit Jain

was working as a Site Engineer with a Company known as “Armstrong India”, which had undertaken the work of making nalas on road side, repair of Government buildings etc. on behalf of the Mumbai Municipal Corporation. It is alleged that due to the torrential rains in Mumbai from 30.06.2019, there was water logging in parts of Mumbai City. It is stated that on 02.07.2019, the intensity of the rain increased and there was more water logging. According to the prosecution, on 02.07.2019, the Complainant alongwith certain BMC officials had come to Pooja building and were discussing how to tackle the problem of water logging. On 03.07.2019, the Complainant again visited Pooja building to check the level of water and after seeing the situation, informed the BMC officials about the water level. It is alleged by the Complainant, that the Applicant came there and told the Complainant that his vehicle was damaged due to water logging and that he should reimburse for the same. According to the Complainant, he tried to tell the Applicant that he was not responsible for the same, pursuant to which the Applicant allegedly abused him, held him by his shirt collar and dragged him to the basement and assaulted him. It is further alleged that

when the Complainant tried to resist the Applicant, the Applicant again caught his head and dipped his head in the accumulated water and hit him. According to the Complainant, he tried to free himself from the clutches of the Applicant and went to a private Hospital for treatment and even informed the said fact, to the BMC officials, pursuant to which the aforesaid complaint was lodged. Whether or not Section 307 is applicable in the facts, is a matter which will be decided by the trial Court. Admittedly, the Complainant has sustained no injury. The Applicant is in custody since 05.07.2019.

4. Considering the aforesaid, continued detention of the Applicant is not warranted. Accordingly, the Application is allowed and the Applicant is enlarged on bail on the following terms & conditions :-

ORDER

(i) The Applicant be released on **cash bail** in the sum of Rs. 10,000/-, **for a period of six weeks**;

(ii) The Applicant shall within the said period of six weeks, furnish P. R. Bond in the sum of **Rs. 10,000/-** with one or

two sureties in the like amount;

(iii) The Applicant to co-operate with the conduct of the trial and attend all the dates before the trial Court, unless exempted.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)