

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

CRIMINAL BAIL APPLICATION NO.2103 OF 2019

Chimaji @ Aanand Nivas Patil & Ors. Applicants

versus

The State of Maharashtra Respondent

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- Mr.Niranjan Mundargi a/w Mr.Shridhar A. Patil i/b. Vikrant B. Shinde, Advocate for Applicant.
- Mr.S.H. Yadav, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 07th AUGUST, 2019

P.C. :

1. The Applicants are seeking their release on bail in connection with C.R.No.248/19 registered with Shahuwadi Police Station, Kolhapur, under sections 353, 332, 186, 189, 323, 504, 506 r/w 34 of the Indian Penal Code and under sections 110/117, 112/117 of Bombay Police Act, 1951 and 85(1) of Bombay Prohibition Act 1998.
2. The offence is lodged on 07/07/2019 by police constable Abhijeet Kiran Urunkar. He has stated that on that day

he was on Bandobast duty at Manoli water fall along with his colleagues. They were checking the vehicles. They were deputed to check the drunken drivers and they were generally responsible for maintaining security in that area. At about 05.00 p.m. one vehicle bearing No.MH-09-X-0101 came near Ganpati Temple. The informant and others were checking the vehicles. They demanded papers of vehicles for checking. But the driver refused. Thereafter they tried to conduct breath analyzer test. At that time one of the passengers of the car got down and started abusing in filthy language. One more person got down and he also started abusing the police party in filthy language. The informant was assaulted and was kicked. The other colleagues and the informant intervened and overpowered the inmates of the car. It is alleged in the FIR that the present Applicants are the same accused persons. They were taken to police station. Even there they kept on behaving in same manner and kept on abusing in filthy language. On these allegations, FIR is lodged. Since 07/07/2019 the Applicants are in custody.

3. Heard learned Counsel Mr.Niranjan Mundargi for the Applicant and learned APP Mr.S.H. Yadav for the State.
4. Mr.Mundargi submitted that the Applicants were granted magisterial custody on the very first occasion when the remand was sought. He submitted that there are no criminal antecedents. He submitted that further custody of the Applicant is not necessary.
5. Learned APP opposed the application. He submitted that the manner in which the police officers were treated, does not entitle the Applicants to be released on bail.
6. I have considered these submissions. Undoubtedly, the incident cannot be justified. The Applicants had acted aggressively and all the offences are made out in the FIR. However, the fact remains that they are in custody since 07/07/2019. They were remanded to magisterial custody on the very first occasion. This shows that their further custody will not

serve any purpose. No serious injury is caused in the incident. However, considering their attitude, some stringent conditions are required to be imposed on them. Hence, the following order :

ORDER

- (i) The Applicants are directed to be released on bail in connection with C.R.No.248/19 registered with Shahuwadi Police Station, Kolhapur, on his 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) The Applicant shall attend concerned Police Station on every Sunday between 03.00 to 05.00 p.m. till conclusion of the trial.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)