

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

ANTICIPATORY BAIL APPLICATION NO.1740 OF 2019

Sanjay @ Sanjeev Shankar Kamble Applicant

versus

The State of Maharashtra Respondent

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- Mr.Satyavrat Joshi i/b. Sunil S. Kamble, Advocate for Applicant.
- Mr.Rajan Salvi, APP for the State/Respondent.
- PSI Mr.B.N. Kabugade, Bhosari, Police Station, Pimpri-Chinchwad present.

CORAM : SARANG V. KOTWAL, J.
DATE : 08th AUGUST, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.707/19 registered with Bhosari Police Station, Pimpri-Chinchwad, under sections 353, 332, 504, 506 of the Indian Penal Code.

2. The FIR is lodged by PSI Somnath Bapurao Handal attached to Bhosari Police Station. He has stated that on

20/07/2019 one Madhuri Gajanan Dhote, came to the police station to lodge her FIR. The present Applicant had followed her. The Applicant questioned the first informant as to why Madhuri Dhote's FIR was not registered when she had gone to police station in the morning. Thereafter he started abusing the informant and threatened to lodge complaint under The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989. The informant was also pushed. Therefore the informant sought help of his colleagues. The Applicant was kept in custody and thereafter the present FIR is lodged.

3. Heard learned Counsel Mr.Satyavrat Joshi for the Applicant and learned APP Mr.Rajan Salvi for the State.
4. Learned Counsel Mr.Joshi submitted that if the offence was true, the Applicant would not have been released by police. The FIR shows that he was taken in custody. He submitted that therefore custodial interrogation of the Applicant is not necessary.

5. Learned APP Mr.Salvi submitted that if the anticipatory bail is granted, that would send wrong signal to the society. He further submitted that though he was taken in custody, he was not formally arrested because his Sugar level and Blood Pressure had gone high. Therefore he was allowed to go.
6. I have considered these submissions. The very fact that police did not feel it necessary to interrogate him when he was in custody, shows that his custody for the purpose of investigation is not necessary. Though, at this stage, the incident cannot be doubted neither his behaviour can be condoned. However, looking into the background of the case, custodial interrogation of the Applicant is not necessary. Apparently his health was not good. He will have to cooperate with the investigation and will have to abide by the conditions. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.707/19 registered with Bhosari Police Station, Pimpri-Chinchwad, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) The Applicant shall attend concerned Police Station for a period of seven days from 21/08/2019 between 03.00 to 05.00 p.m.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)