

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1905 OF 2019**

Jagdish Se4vakram Tejawani

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Salimuddin A. Shaikh I/b Mr. Shaikh Shafi Ahmed for the Applicant

Mr. S. V. Gavand, A.P.P for the Respondent-State

PSI Mr. R. J. Shete from Ambernath Police Station, is present

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 30th AUGUST 2019

P.C.

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. I-300 of 2019 registered with the Vithalwadi Police Station, Ulhasnagar, District-Thane, for the alleged offences punishable under Sections 353, 392, 323, 504, 506 and 427 of the Indian Penal Code.

3 Perused the papers. According to the complainant-Satish Shinde, City Engineer, he along with his associates, were doing the work of carrying out survey on 13th July 2019 at about 1:30 p.m., for the purpose of property tax, when the incident took place. According to the complainant, when he was carrying out the survey, one person i.e. co-accused-Parmanand Gereja came on the spot, abused them and threatened to kill them. He has also alleged that the said accused obstructed their work and tore the documents pertaining to the said survey and forcibly snatched the digital distance meter. He is also alleged to have slapped him. Pursuant thereto, the aforesaid crime was registered.

4 Admittedly, the applicant was not named in the FIR and the allegations were made against only one person i.e. Parmanand. It is alleged that after four days, the applicant is stated to have been present with co-accused-Parmanand. According to the supplementary statement, which was recorded after four days, the complainant has alleged that the said co-accused-Parmanand handed over the device i.e. digital distance meter to the applicant. There are no allegations made in the FIR that the said meter was handed over by co-accused-Parmanand to any person.

5 Considering the aforesaid, custodial interrogation of the applicant is not warranted. Accordingly, the application is allowed and the applicant is granted pre-arrest bail, on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;

(ii) The applicant shall report to the Investigating Officer of the concerned Police Station on 16th, 17th and 18th September 2019 from 10:00 a.m. to 12:00 noon, and thereafter, as and when called;

(iii) The applicant shall cooperate with the investigating agency.

6 The application is allowed in the aforesaid terms and is accordingly disposed of.

7 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

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

REVATI MOHITE DERE, J.