

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.2315 OF 2018

Chandrika Parshuram Sahani, Age 44 years,
Occ.Nil, R/o.Flat No.B-101,
Ganesh Darshan CHS Ltd; Sector 8-A,
Navi Mumbai-400 708.

(Presently lodged at Taloja Jail)

Applicant

versus

The State of Maharashtra

Respondent

Mr.Ganesh S. Patil for applicant.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd January 2019

PC :

1. This is an application for bail in connection with CR No.I-109 of 2018 registered with Rabale Police Station for offences under Sections 307, 353, 436, 504, 506 r/w 34 of Indian Penal Code.

2. The prosecution case is that the complainant was appointed to execute order of competent authority and on the date when the complainant and other officers went to the premises which was occupied by the applicant and his wife to take possession, the accused used force. It is alleged that the applicant had tried to assault the complainant by giving blow of knife. The wife of applicant tried to threaten the executing officers that she would commit suicide by pouring kerosene on her person. The accused had also thrown cylinder which hit the fire brigade personnel namely Deepak Jawale.

3. Although it is alleged that the applicant had tried to assault the complainant by using knife, he had managed to dodge it and did not sustain any injury. According to the applicant, the possession of

property was handed over to the executing officers. I have perused the injury certificate of Mr. Deepak Jawale which shows that there was no external injury.

4. Learned APP submitted that the applicant and his wife had obstructed the executing officers while discharging their duties and used criminal force with aid of weapons. The applicant is in custody from 26th March 2018. The wife of the applicant has been granted bail. Taking into consideration the fact that the charge sheet is already filed and the circumstances narrated hereinabove, the applicant can be granted bail.

5. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.2315 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No.I-109 of 2018 registered with Rabale Police Station, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall attend investigating officer of Rabale Police Station once in a month on every first Saturday of the month between 11 am and 1 pm till further orders;
- (iv) The applicant shall not enter into the disputed premises without following due process of law.

(PRAKASH D. NAIK, J.)