

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

ANTICIPATORY BAIL APPLICATION NO. 2200 OF 2019

Dwarkanprasad Digambar Uplap & Ors.	 Applicants
Versus	
The State of Maharashtra	 Respondent

Mr. Sarang S. Aradhye a/w. Milind Prabhune, Advocate for the Applicants.

Smt. A. A. Takalkar, APP for the State/Respondent.

Mr. Akhtar Babulal Patel, PC-641, Sadar Bazar Police Station present.

CORAM : SARANG V. KOTWAL, J.
DATE : 09th OCTOBER, 2019

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. 219 of 2018 registered with Sadar Bazar Police Station, Solapur, under sections 353, 332 and 504 r/w. 34 of the Indian Penal Code.

2. The FIR is lodged by one Pawan Tahliyani. He was a Manager of State Bank of India, Satrasta branch, Solapur. He has

stated that on 21/03/2018 one person approached him and inquired about his bank account. At that time, it was already 5.45p.m. and the office working hours were over. Therefore, the informant did not give him the information. While he was returning home at around 10.00p.m. on that day, all the three applicants stopped him. They abused him and manhandled him. He had suffered some hurt on his face. The contention of the informant was that he was a public servant and the applicants had interfered in performance of his duty. On this basis, the FIR is lodged.

3. I have heard Shri. Sarang Aradhye, learned counsel for the applicant and Smt. A. A. Takalkar, learned APP for the State/Respondent.

4. Learned counsel for the applicant stated that the charge-sheet in this case is already filed and, therefore, custodial interrogation of the applicants is not necessary. The incident is a petty incident and there is nothing to be gained from the custodial

interrogation of the applicants. Learned APP submitted that the applicants were not available since 21/03/2018 and therefore, could not be arrested.

5. I have considered these submissions. The FIR itself shows that, it was an incident in which the informant was manhandled by the applicants when he was returning home in the night. Though, this act cannot be justified, the consequence of their actions can be decided by the trial court, if the offence is proved against them, by awarding them suitable punishment. Today the charge-sheet is already filed. Though, the applicants did not attend the police station as directed, according to the learned counsel for the applicants, they are always available in Solapur and they are residents of the same building where the informant's bank is situated. Considering all these aspects, at this stage, no purpose will be served by permitting the investigating agency to have custodial interrogation of the applicants. The apprehension that the applicants will not be available for investigation, can be taken care by imposing suitable conditions.

6. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R. No. 219 of 2018 registered with Sadar Bazar Police Station, Solapur, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand each Only) with one or two sureties each in the like amount.
- (ii) The applicant shall attend the trial court on each and every date without fail.
- (iii) The applicants shall attend the concerned Police station once every month for the period of one year from today.
- (iv) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)