

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

ANTICIPATORY BAIL APPLICATION NO. 2275 OF 2019

Ramchandra Tukaram Maske	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. V. V. Purwant, Advocate for the Applicant.

Mr. Prashant Jadhav, APP for the State/Respondent.

Mr. B. S. Jadhav, PSI, MIDC Police Station, Solapur, present.

CORAM : SARANG V. KOTWAL, J.
DATE : 16th OCTOBER, 2019

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 653 of 2019 registered with M.I.D.C. Police Station, Solapur, on 02/10/2019, under section 353 of the Indian Penal Code.

2. The FIR is lodged by A.P. I. Dadaso More. It is stated in the FIR that he was on patrolling duty in the night between 01/10/2019 to 02/10/2019. During his duty hours he came to know that the flying squad has seized cash around Rs.1 lakh from a car. On receiving this informant, the first informant came to the police station. At that time he saw that one person aged about 50

years was quarreling with the police officers of flying squad. The informant tried to tell him that he should not quarrel with the flying squad members. At that time, that person loudly told that he was an advocate and behaved aggressively. On inquiry, the applicant gave his name. On this basis, the FIR is lodged.

3. Heard Shri. Purwant, learned counsel for the applicant and Shri. Prashant Jadhav, learned APP for the State.

4. Learned counsel for the applicant submitted that, lodging of FIR is suspicious. If flying squad had recovered some amount then they should have lodged an FIR, but no such FIR was lodged. He submitted that his son and nephew were looking after the business of petrol pump and were going home with the cash received during the business hours. He submitted that, he has not committed any offence and he deserves protection of anticipatory bail. Learned APP opposed this application. He submitted that the applicant unnecessarily interfered in performance of the duty of the flying squad members and, therefore, he does not deserve any protection of anticipatory bail.

5. I have considered these submissions. The strange thing

in this case is that, though the applicant was available in the police station itself, at that time, the first informant did not choose to arrest him when he was very much present at the spot and now the application for anticipatory bail is opposed on behalf of the investigating agency. The very fact that the applicant was allowed to go away from the police station shows that the investigating agency did not feel it necessary to have his custody for custodial interrogation. In this view of the matter, I do not see any reason as to why protection of anticipatory bail should not be granted to the applicant.

6. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.653 of 2019 registered with M.I.D.C. Police Station, Solapur, 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) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)