

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

ANTICIPATORY BAIL APPLICATION NO. 2428 OF 2019

Sunil Chandrakant @ Chandarrao Walunj .. Applicant.
V/s

The State of Maharashtra .. Respondent.

Mr. Tejas Hilage, for the Applicant.

Mr. H.J. Dedhia, APP for the State-Respondent.

CORAM : PRAKASH D. NAIK, J.

DATE : 7th November, 2019

PC :

The applicant is seeking anticipatory bail in connection with C.R. No. 513 of 2019, registered with Lonikand Police Station, District - Pune, for the offences punishable under Sections 353, 332, 337, 323, 504, 506 r/w 34 of the Indian Penal Code ("IPC", for short).

2 The First Information Report ("FIR", for short) was lodged by a police constable attached to Lonikand Police Station. He was instructed to serve summons on 28/05/2019 upon applicant and other persons as complaint has been received against them alleging trespass, threats and creating terror in the property of complainant therein. The

summons were issued for their appearance for enquiry on 29/05/2019. It is alleged that the first informant had visited the residence of the applicant for serving summons. At that time, the applicant questioned him as to why he is harassing them. He also abused, caught hold of his uniform and slapped him. The applicant tore the summons. The other persons also abused the informant and shouted that the informant should be assaulted. At that time, applicant gave blow by handle of spade on hand and back of informant. The informant managed to get himself relieved from their clutches. The accused abused and threatened him that they would kill him and applicant threw cement brick towards informant. Hence, FIR was lodged on 28/05/2019.

3 The applicant has preferred an application for anticipatory bail before the Sessions Court which has been rejected. The applicant contends that he has been falsely implicated in this case on account of property dispute. The rival of the applicant is instrumental in involving the applicant in this case. It is further submitted that on the same day the applicant has lodged the complaint of harassment against Joseph D'Souza and others, who have illegally possessed the ancestral property and using goons

and lodging false complaints to the Superintendent of Police. It is submitted that the other accused Sulochana and Nalini were arrested and granted bail. Son of applicant was granted anticipatory bail. Civil litigation is pending between applicant and Mr. Joseph D'souza, who had allegedly lodged complaint for which applicant and others were summoned.

4 Learned APP submitted that specific overt act has been attributed to the applicant. Learned APP pointed out the injury certificate of the complainant. It shows the injuries sustained by complainant/injured person. Learned APP submitted that there are five cases registered against the applicant. Learned counsel for the applicant, however, countered that amongst the five cases, only one case is pending and in other cases applicant have been acquitted.

5 On perusal of the FIR, it can be seen that specific role has been attributed to the applicant. The accused were instrumental in obstructing the public servant in discharging his duty. The version of the injured is also corroborated by the medical evidence. Learned APP also submitted that the weapon used in crime is not yet recovered, for which

custodial interrogation is necessary.

6 In the circumstances, no case for grant of anticipatory bail is made out. Hence, application deserves to be rejected.

ORDER

Anticipatory bail application no. 2428 of 2019
stands rejected.

(PRAKASH D. NAIK, J.)