

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2587 OF 2018

Laxman Tulsi Sahu, Age 38 years,
R/o.B-204, Ramkutir, Phase-4,
Ramdev Park Road, Behind Shivar Garden,
Mira-Bhayander Road, Mora Road (E).

Applicant

versus

The State of Maharashtra and another

Respondents

Mr.Mahesh Vaswani with Ms.Dharini Nagda I/by Mr.Farooque Ansari
for applicant.

Mr.R.M.Pethe, APP, for State.

Mr.Bhamare, API, Kashmirira Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 8th January 2019

PC :

1. This is an application for anticipatory bail in connection with CR No.641 of 2018 registered with Kashmirira Police Station, District Thane for offences under Sections 308 and 34 of Indian Penal Code r/w Sections 3, 8(1), (2) of Maharashtra Prohibition of Obscene Dance in Hotels, Restaurants and Bar Rooms and Protection of Dignity of Women (working there) Act, 2016.

2. This is the second application for anticipatory bail. The earlier application viz Anticipatory Bail Application No.2426 of 2018 was allowed to be withdrawn after hearing the advocate for applicant and when the Court was not inclined to grant relief claimed in that petition.

3. Learned counsel for applicant submitted that considering the nature of allegations, custodial interrogation of the applicant is not necessary. The applicant is being charged for the offence u/s 308 of IPC, however, no hurt is caused to any person attracting punishment of three years. It is further submitted that other offences which are charged against the applicant, are punishable at the most for five years imprisonment. The application was rejected by the lower Court on the ground that plans are to be recovered. He has attended the police station and therefore custody of the applicant is not necessary. It is submitted that the Sessions Court while rejecting the application has observed that the applicant had not attended the police station as directed earlier, which is not correct and indeed the applicant had attended the police station. It is submitted that in the facts of present case, second application may be entertained.

4. I have perused the documents on record. As stated above, earlier application was withdrawn when the Court was not inclined to grant reliefs prayed for in that application. The applicant is conducting business at subject premises. The other accused are arrested and they are in custody. There is sufficient evidence to show the involvement of applicant. Considering the nature of allegations and evidence against the applicant, this application cannot be entertained and no case for grant of anticipatory bail is made out. Accordingly, ABA No.2587 of 2018 is rejected.

(PRAKASH D. NAIK, J.)

MST