

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.513 OF 2020

1. Lalsingh Maharaj Singh,
2. Sandeep Dayashankar Yadav,
3. Devsingh Lalsingh Thakur

Applicants

versus

The State of Maharashtra

Respondent

Mr.Vikram R. Sutaria for applicants.

Mr.H.J.Dedhia, APP, for State.

Mr.Kiran Kisan Solankhe, IO, Valiv Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd March 2020

PC :

1. Leave to amend to correct CR number in prayer clause and correct name of Police Station. Amendment to be carried out forthwith.

2. The applicants are apprehending arrest in CR No.14 of 2020 registered with Valiv Police Station, District Palghar, for offences under Sections 452, 427, 323, 504, 506 r/w 34 of Indian Penal Code.

3. The case of the complainant is that on 31st December 2019 the first informant was travelling on his motorcycle. When he reached Gavdevi Temple, accused no.3 came on his motorcycle and touched the informant's vehicle. This led to arguments. The informant was abused. The other accused joined. They abused and threatened the complainant. He managed to flee from place of incident. He was chased by the accused. The accused reached the house of sister of

complainant. Accused followed the complainant's sister and took search. They also caused damage to the window of the house of complainant's sister. Hence, the FIR was registered.

4. Applicant no.3 had lodged FIR on 2nd January 2020 with Valiv Police Station vide CR No.3 of 2020 against complainant. The said FIR is first in point of time. It was stated therein that the accused therein including the complainant in the present FIR, had assaulted, abused and threatened the applicants.

5. The applicants had preferred application for anticipatory bail before the Sessions Court. Interim protection was granted on 18th January 2020. While granting interim protection it was observed that the applicants have no criminal antecedents and they are willing to abide by conditions. The applicants were directed to co-operate with investigation. Report was filed by Police. By order dated 14th February 2020 learned Additional Sessions Judge, however, rejected the application for anticipatory bail. On perusal of the order it can be seen that the learned Additional Sessions Judge has stated that the reasons given by police in say are sufficient for rejection of bail application. The order refers the submissions of learned counsel for applicant that only offence u/s 452 is non bailable and other offences are bailable. Learned Judge while granting interim protection, however, directed the applicant to co-operate by attending investigating officer. The rejection order was passed mechanically without considering the factual aspects and the grounds raised by applicants for anticipatory bail. The only reason which is assigned by learned Judge while rejecting anticipatory bail is that the say filed by Police is sufficient to reject the application. It is pertinent to note

that the dispute had arisen on account of touching vehicle of complainant. At the instance of applicant no.3 an FIR was lodged against first informant in present case, which is prior in point of time. All the offences except Section 452 of IPC were bailable in nature. Custodial interrogation of the applicants was not necessary.

6. Learned APP, on instructions from the officer who is present in Court, submits that custodial interrogation of the applicants is not necessary. Even otherwise, from the factual matrix of the case, it is clear that the applicants need not be subjected to custody. Hence, case for grant of anticipatory bail is made out. Hence, I pass following order :

ORDER

- (i) Criminal Anticipatory Bail Application No.513 of 2020 is allowed and disposed of;
- (ii) In the event of arrest of applicants in connection with CR No.14 of 2020 registered with Valiv Police Station, District Palghar, the applicants be released on bail on furnishing PR bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall report the Investigating Officer on 11th and 12th March 2020 between 11 am and 1 pm;
- (iv) Copy of this order be forwarded to concerned Court.

(PRAKASH D. NAIK, J.)

MST