

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

910 ANTICIPATORY BAIL APPLICATION NO.1192 OF 2020

**MATIN @ AMIT S/O AYYUB SHAIKH
VERSUS
THE STATE OF MAHARASHTRA**

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**Advocate for Applicant : P.P. More
APP for Respondents: Mrs. G. L. Deshpande**

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**CORAM : MANGESH S. PATIL, J.
DATE : 09.04.2021**

PC. :-

Apprehending his arrest in connection with Crime No.453/2020 registered with Badnapur Police Station, Jalna, for the offences punishable under Sections 353, 332, 323, 504, 506 and 427 of the I.P.C., the applicant is seeking bail in the event of his arrest.

2] Shortly stated the allegations in the F.I.R. lodged by a bank manager of a nationalised bank are to the effect that on 2/12/2020 the applicant alongwith his aged mother went to the bank for withdrawing some money from her account. After following necessary formalities an amount of Rs.20,000/- was allowed to be withdrawn and as per the instructions of his mother who was also present, the cashier handed over cash to the applicant.

3] It is then alleged that the applicant then approached the informant bank manager and asked him to link his phone number to the account of his mother. When the informant told him to fill in necessary form and to pay necessary charges of Rs.177/- the applicant got annoyed. He started asserting

as to why any money would be needed for such linking of the phone number, he would not pay anything and then started hurling abuses. He picked up a tiffin box of an employee Rahul Shelke and hurled at the informant. He then manhandled the informant, damaged the C.P.U. and computer and files by pushing them down the table. He left the bank by threatening the informant and the staff members. When some staff members tried to videograph the incident, he also abused them in filthy language and threatened of dire consequences. Immediately the report was lodged and the offence was registered.

4] The learned advocate for the applicant would submit that applicant is of a tender age and his career would be spoiled if he is allowed to be arrested without assurance of bail. The incident is trivial. In fact the informant had insulted his mother regarding which a Non Cognizable report was lodged. He is being falsely implicated. Going by the allegations, nothing is to be recovered from him. He is ready to cooperate the Investigating Officer. There are no criminal antecedents and he may be protected by ad-interim relief.

5] The learned A.P.P. strongly opposes the application. He submits that the offence is serious. A bank manager of a nationalised bank has been manhandled only because he insisted for filling up a form and payment of paltry charges of Rs.177/-. There was no reason why the applicant could have got enraged. He has hurled the tiffin box of a staff member, manhandled the informant and damaged the computer and the C.P.U. as well as some files from his table. He would submit that the offence is now made triable by the Sessions Court which is sufficient to indicate that it is indeed a serious offence and irrespective of the fact whether anything is to be recovered or otherwise,

no anticipatory bail be granted to the applicant.

6] The learned A.P.P. further submits that the applicant was granted ad-interim relief by order dated 21/12/2020 *inter alia* subject to a condition to remain present before the Investigating Officer on every Saturday but he has not obeyed the condition. Therefore, even for this reason, he is not entitled to anticipatory bail.

7] I have carefully gone through the papers of the investigation. At this juncture there is nothing to disbelieve the informant who happens to be a Manager of a nationalised bank. Admittedly there was no previous animosity. It is because of his insistence to the applicant to fill up the form and pay necessary charges that the applicant seems to have got enraged and indulged in the act described hereinabove.

8] There are statements of the witnesses corroborating the version of the informant. True it is that these are the employees of the same bank and in the normal course would be expected to cooperate him. However, merely for this reason one cannot disbelieve them at this juncture.

9] The spot panchanama clearly indicates that the computer and the C.P.U. as well as some files and the tiffin box were found at the spot lying on the floor in damaged condition. All these facts and circumstances clearly indicate that there is *prima facie* evidence. The applicant has indulged in commission of a crime punishable under Section 353 of the I.P.C. which is now made triable by the Sessions Court.

10] True it is that the mother of the applicant seems to have lodged some Non-Cognizable report of the even date alleging the informant to have insulted her. Needless to state that though the circumstance may be relevant to be considered during trial, at this juncture it is not sufficient to wash out all the aforementioned circumstances *prima facie* indicating commission of the crime by the applicant.

11] In these circumstances, the application deserves to be rejected.

12] As regards the breach of the terms and conditions regarding the presence of applicant imposed while granting ad-interim relief to the applicant, his learned advocate has produced on record the material to show that he did attend the concerned police as was expected and has obtained acknowledgment from the Officer Incharge of the Police Station concerned. The submission of the learned A.P.P. that he was supposed to remain present before the Investigating Officer but has remained present in the Police Station instead, is nothing but a convenient plea by the Investigating Officer which is liable to be deprecated and ignored for the simple reason that what was expected was to make the applicant remain present before the Investigating Officer obviously at the Police Station it was not expected and cannot be comprehended that the applicant was expected to search for the Investigating Officer at whatever place. If really the Investigating Officer who must have been alive to the condition, as also the concerned P.S.O., they should have coordinated between themselves and should have taken care that the Investigating Officer would meet the applicant at the Police Station as was expected by the condition. Therefore, this submission of the learned A.P.P. is not acceptable.

13] The application is rejected.

14] At this stage, the learned advocate for the applicant requests that since ad-interim anticipatory bail has been in force till date, the same may be extended for a reasonable period to enable the applicant to approach the Supreme Court.

15] The ad-interim relief be continued for a further period of 3 weeks from today with the same terms and conditions.

[MANGESH S. PATIL, J.]

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