

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

ANTICIPATORY BAIL APPLICATION NO. 469 OF 2021

Ganesh Deepak Bhople	 Applicant
Versus	
The State of Maharashtra	 Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 472 OF 2021**

Poonam Ganesh Bhople	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Satyavrat Joshi for Applicants in both ABAs.
Mrs. J. S. Lohokare, APP for State/Respondent in ABA/472/21.
Mr. S. H. Yadav, APP for State/Respondent in ABA/469/21.

CORAM : SARANG V. KOTWAL, J.
DATE : 18th FEBRUARY, 2021

P.C. :

1. Both these applications are decided by this common order as they arise out of the same offence and the same investigation. For the sake of convenience, both the applicants are referred to by their names.

2. Heard Shri. Satyavrat Joshi, learned counsel for the

applicants, Shri. Yadav, learned APP for the State in ABA No.469 of 2021 and Smt. Lohokare, learned APP for the State in ABA No.472 of 2021.

3. The Applicants are seeking anticipatory bail in connection with C.R.No.480 of 2020 registered with Vadgaon Police Station, Kolhapur under sections 353, 283, 143, 147, 186, 504 and 506 r/w. 149 of the Indian Penal Code (for short 'IPC') and under sections 3 and 4 of the Maharashtra Prevention of Defacement of Property Act, 1995.

4. The First Information Report (for short 'F.I.R.') is lodged by Police Constable Ranveer Jadhav attached to Vadgaon police station. He has stated that, on 11/12/2020, the senior police officers and the informant had gone to Vathar village for generally supervising law and order situation there. The villagers made a complaint that one Deepak Bhople had placed an advertisement board in front of his shop which was causing obstruction to traffic. The police party went there. They found substance in the grievance and, therefore, Deepak Bhople was asked to remove that advertisement board. He had agreed to do

that. On 20/12/2020 again police party was passing through that road. They saw that around 9:30p.m. there was heavy traffic on that particular road and there was traffic jam. The police found that cause of that traffic was the same poster. It was not removed by Deepak Bhople. Police went to him and asked him to remove that board. Deepak Bhople got angry and started quarreling with the police. He pushed one officer Dheeraj. It is alleged that, present applicant Ganesh was Deepak's son. Applicant Poonam was applicant Ganesh's wife. Both of them and unknown persons joined Deepak Bhople and told the police that they would not remove the board and that they would even commit suicide. Deepak Bhople started banging his head on the floor. Police tried to pacify him. Deepak's daughters came there and started making false allegations and threatening the police party. On these allegations the F.I.R. was lodged.

5. Shri. Joshi submitted that, in the entire F.I.R. allegations against the present applicants are much lesser compared to Deepak Bhople. Only non bailable offence alleged against the applicants is under section 353 of IPC. But that offence

is not made out against the applicants. Therefore they deserve protection of anticipatory bail.

6. Learned APP, on instructions, stated that the main accused Deepak is already arrested. They submitted that the applicants' role also cannot be ignored and leniency cannot be shown to them.

7. I have considered these submissions. As rightly pointed out by Shri. Joshi, F.I.R. does not show any allegations against the present applicants mentioning that they had assaulted the police officers or had used criminal force. All these allegations are directed against Deepak Bhopse. Considering this lesser role played by them, their custodial interrogation will not serve any real purpose and they can be protected by an order of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No.480 of 2020 registered with Vadgaon Police Station, Kolhapur, the applicants are

directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with one or two sureties each in the like amount.

(ii) Applications stand disposed of accordingly.

(SARANG V. KOTWAL, J.)