

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

ANTICIPATORY BAIL APPLICATION NO. 860 OF 2021

Sandip Bhausahab Umap Applicant

Versus

The State of Maharashtra Respondent

Mr. S. T. Bhosale for Applicant.

Ms. P. N. Dabholkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 24th MARCH, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 71 of 2021 registered at Vairag Police Station, Solapur Rural, on 21/02/2021, under sections 353, 332 and 504 r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Bhosale, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by Police Head Constable Amit Ghadge attached to Vairag

police station. The incident is dated 19/02/2021. The informant and others were on duty on that day. At about 7:00a.m. three persons came near the spot of incident. They wanted to unveil statue of Chhatrapati Shivaji Maharaj. There was no such permission from the Government, therefore, the police officer did not permit them to take any steps. At that point, those three persons started scuffling with the police officers. They held the informant by scruff of his neck. He was abused, manhandled and pushed. The informant called for reinforcement. Therefore, those three persons tried to run away. One of them was caught at the spot by the police and others ran away. The prosecution case is that the present applicant was one of the two persons who had run away from the spot.

4. Learned counsel for the applicant submitted that the arrested accused is granted bail, therefore, same consideration should be shown to the present applicant. He submitted that the applicant's custodial interrogation is not necessary in this case. He submitted that the applicant is a young man and, therefore, leniency should be shown to him.

5. Learned APP opposed this application. She submitted that the offence is serious and such behaviour should not be condoned as it creates difficulty in maintaining law and order. Learned APP submitted that, there are other antecedents against the present applicant in the form of C.R.No.61 of 2021 and 62 of 2021, besides present offence.

6. I have considered these submissions. The contention of learned APP needs to be accepted in this case. If such behaviour on the part of citizens is permitted to go unpunished or if such behaviour is condoned, then this will encourage others to take law in their own hands and it would create difficulty for the police officers in maintaining law and order. Therefore, this is not a case where anticipatory bail can be granted to the present applicant. Considering seriousness of the offence, I am not inclined to show any leniency to the applicant.

7. The application is rejected.

(SARANG V. KOTWAL, J.)