

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

CRIMINAL BAIL APPLICATION NO. 3535 OF 2021

Navnath Sukhdev Bhosale

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Kunal D. Ambulkar a/w Mr. Vishal Waghela for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondent–State

CORAM : REVATI MOHITE DERE, J.

MONDAY, 11th OCTOBER 2021

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks his enlargement on bail in connection with C.R. No. 1045/2021 registered with the Sangola Police Station, for the alleged offences punishable under Sections 353, 341, 323, 504, 506 of the Indian Penal Code.

3 Perused the papers. The incident is alleged to have taken place on 18th August 2021 at about 10:15 PM. It is alleged by the prosecution that

due to Moharram bandobast, the complainant was on patrolling duty in one Government vehicle i.e. a four wheeler having registration No. MH-13-BQ-0086. It is alleged that at 10:15 p.m. when the government vehicle was at the flyover near Moje Chincholi, one four wheeler vehicle of the applicant bearing registration No. MH-45-AK-9333 came in front of the said government vehicle. It is alleged that the applicant insisted that the complainant get down from the said government vehicle. Pursuant thereto, the said persons got down from the said vehicle, after which, the applicant is alleged to have abused and assaulted the complainant. It is the prosecution case that when complainant started video-recording on his mobile phone, the complainant told the applicant that if he has any issues, he should lodge a complaint against him, to which, the applicant replied that he will not come and he can do whatever he wants to do. It is further alleged that the applicant pulled the car keys of the vehicle, which was again taken by the complainant. It is further alleged that the applicant also took some photographs on his mobile. Pursuant thereto, the applicant was taken to the police station and an FIR was registered as against him.

4 Although, learned counsel for the applicant submitted that the allegations are false and baseless and that the applicant did not assault the complainant, the same is a matter, which will be decided by the trial Court.

5 Considering the peculiar facts of the case, further detention of the applicant is not warranted. Accordingly, the application is allowed and the applicant is enlarged on bail, on the following terms and conditions :

ORDER

- (i) The applicant be released on cash bail in the sum of Rs. 10,000/-, for a period of six weeks;
- (ii) The applicant shall within the said period of six weeks, furnish P.R. Bond in the sum of Rs. 10,000/- with one or two sureties in the like amount;
- (iii) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;
- (iv) The applicant to cooperate with the conduct of the trial and attend the trial Court on all dates, unless exempted.

6 The application is allowed in the aforesaid terms and is accordingly disposed of.

7 It is made clear that the observations made herein are *prima facie*, and the trial Court shall decide the case on its own merits, in accordance with law, uninfluenced by the observations made in this order.

8 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.