

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

ANTICIPATORY BAIL APPLICATION NO.70 OF 2021

Smt.Shraddha Vishwas Patil Applicant

versus

State of Maharashtra Respondent

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- Mr.Prashant Patil, Advocate for Applicant.
- Ms.A.A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 14th JANUARY 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.533/2020 dated 01/12/2020 registered with Shahuwadi Police Station, Kolhapur, under sections 353, 332, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Heard Mr.Prashant Patil, learned counsel for the Applicant and Ms.A.A. Takalkar, learned APP for the State.

3. The FIR is lodged by one Shridhar Vitthal Kumbhar,

who was working as a bailiff in the Court of Civil Judge, at Shahuwadi. On 01/12/2020, he had gone to the house of the Applicant to serve a copy of notice in Civil Misc. Application No.250/2020 from that Court. It was in the name of Baliram Namdev Patil and Vishwas Baliram Patil. The Applicant is the wife of Vishwas Patil. She was present in the house. The informant tried to serve a copy on her, but she refused and instead she tore the notices and started abusing. In the meantime Baliram and Vishwas came there. They also started threatening the informant. It is alleged in the FIR that the Applicant then slapped the informant and on this basis FIR is lodged.

4. Learned counsel for the Applicant submitted that the informant has given his bailiff's report in the Court. The said report does mention about refusal of acceptance of service and also of bad language used, but there is no allegation that the Applicant had slapped him. He submitted that the FIR is lodged as an afterthought. He further submitted that the Applicant has

delivered her first child on 17/12/2020 and therefore on this ground also, her application for anticipatory bail should be considered sympathetically.

5. Learned APP relied on the allegations in the FIR and submitted that assault on public servant, when he was performing his duty, cannot be excused and considering the gravity of situation, the Applicant does not deserve any sympathy.

6. I have considered these submissions. Though there are allegations that the Applicant had slapped the informant, it is not reflected in the bailiff's report submitted to the Court. This is an important aspect. Secondly, the Applicant's presence in the house is necessary for the new born baby. On the other hand, her custodial interrogation will not yield any further information. Therefore there is no necessity of her custodial interrogation. In this view of the matter, I am inclined to protect the Applicant by way of an order u/s 438 of Cr.P.C.

7. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.533/2020 registered with Shahuwadi Police Station, Kolhapur, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)