

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

ANTICIPATORY BAIL APPLICATION NO. 998 OF 2021

Vijay Dyanoba Ghate

.... Applicant

Versus

The State of Maharashtra

.... Respondent

Mr. Harshad V. Bhadbhade for Applicant.

Mr. Ajay Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th APRIL, 2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I-54 of 2020 registered at Wagle Estate Police Station, Dist. Thane, on 10/07/2020, under sections 353, 332, 323 and 506(2) of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Harshad Bhadbhade, learned counsel for the applicant and Shri. Ajay Patil, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Mohammad Farooqui on 10/07/2020. He has stated

that he was working with Maharashtra State Electricity Distribution Corporation Ltd. (MSEDCL). His office was at Wagle Estate. There was bill collection center in that premises.

4. On 08/07/2020, at about 11:30a.m. the applicant came to his office and started questioning the employees as to why his electricity bill was exorbitant. Employees tried to explain to him that it was average of the previous meter readings. He was not convinced. He started abusing. He went to the Superior of the informant and abused him, as well. After coming out of the cabin of the Superior, he slapped and kicked the informant. He boasted that he was a political leader. One of the employees recorded the incident in her mobile phone. On this basis the F.I.R. was lodged.

5. Learned counsel for the applicant submitted that the incident is old. The applicant has attended the police station and has cooperated with the investigation. Even now he is willing to cooperate with the investigation. Therefore, anticipatory bail should be granted to him.

6. Learned APP opposed this application. He submitted that it is a serious offence and the public servant i.e. the first

informant was actually assaulted, abused and threatened. It is very difficult for a public servant to perform his duty if he is assaulted in this manner. Therefore, such type of behaviour and incident should not be allowed to go unpunished.

7. I have considered these submissions. The incident indeed cannot be ignored just because it had occurred a few months ago. The informant and his colleagues were performing their public duty. The applicant had no business to assault the informant and abuse his superiors. Such incident cannot be tolerated. Anticipatory bail in such cases cannot be granted.

8. Application is rejected.

9. At this stage, learned counsel for the applicant prayed for continuation of earlier interim protection granted to the applicant. However, considering the nature of incident, I am not inclined to extend the interim protection granted to the applicant. Even that prayer is rejected.

(SARANG V. KOTWAL, J.)