

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

ANTICIPATORY BAIL APPLICATION NO.1258 OF 2021

Mrs.Kavita Dwivedi

.... Applicant

versus

State of Maharashtra

.... Respondent

.....

- Ms.Sheetal Sabnis, Advocate for Applicant.
- Ms.A. A. Takalkar, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 21st MAY, 2021

(Through video conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.59/2021 registered with Turbhe Police Station, Navi Mumbai, on 27/03/2021, under sections 323, 353, 427 of the Indian Penal Code.

2. The FIR is lodged by police constable Smt. Asha Ajay Patil attached to Sanpada Police Station. She has stated that, on 27/03/2021, at about 07.30 p.m., the Applicant came to

Sanpada police station and caused disturbance. According to the Applicant, her husband had taken away her daughter and she wanted the police to take action against her husband. The Applicant's behaviour was loud and disturbing. She was not listening to anybody. She was shouting. She was telling that she was Corona positive patient and she was being treated at Fortis hospital at Vashi. The Applicant entered the cabin of incharge police officer of the police station. She threw away papers, threw remote control of set top box, poured water from a bottle on the table, uttered abuses in filthy language and threatened the police officers. The informant tried to stop her. The Applicant pushed her away, held her neck and threatened her. After that she went away.

3. Heard Ms. Sheetal Sabnis, learned counsel for the Applicant and Ms. A. A. Takalkar, learned APP for the State.
4. Learned counsel for the Applicant submitted that the Applicant had history of psychological problem. After the

incident, she was admitted to Sunshine Wellness Centre for about a month. She was suffering from Schizophrenia and bipolar mood disorder. She submitted that the Applicant's case therefore should be treated with sympathy. She further submitted as of today the Applicant is looked after by her husband and he is taking responsibility of keeping her under observation and good care.

5. The Applicant's daughter is 7 years of age and she has undergone tremendous stress because of this. Therefore basically on humanitarian ground, learned counsel for the Applicant prayed for protection from arrest.
6. Learned APP pointed out that the Applicant had entered the police station when she was still positive with corona infection and thus she had put everyone's life at risk.
7. I have considered these submissions. From the narration in the FIR it is more than clear that the Applicants'

behaviour was not normal. The Applicant was admitted to Sunshine Wellness Centre on 01/04/2021 i.e. immediately within a few days from this incident. She was admitted at that centre for about a month and the diagnosis was mentioned as “Schizophrenia and bipolar mood disorder” the Applicant had tested positive for Corona. She was initially admitted in Fortis hospital. Since the Applicant had created ruckus even in that hospital, the hospital authorities had to discharge her though she had not recovered from Covid.

8. While it is true that she had put others at risk, however her behaviour indicates that she was suffering from disorder as mentioned in the certificates attached to this application. The police also did not arrest her immediately at the police station. She has a minor daughter of 7 years of age. Considering all these factors; on humanitarian grounds, I think this is not a case where police require custodial interrogation of the present Applicant. I am also taking into account the statement made by learned counsel for the Applicant that at present the Applicant is

being looked after by her husband and he is taking responsibility for her well being. In this view of the matter, the Applicant can be protected by an order of anticipatory bail.

9. Hence, the following order :

ORDER

- (i) In the event of her arrest in connection with C.R.No.59/2021 registered with Turbhe Police Station, Navi Mumbai, the Applicant is directed to be released on bail on her furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)