

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

ANTICIPATORY BAIL APPLICATION NO. 1350 OF 2021

Manjula Michael Pereira	... Applicant
Versus	
The State of Maharashtra	... Respondent

**ALONG WITH
INTERIM APPLICATION (ST.) NO. 9002 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 1350 OF 2021**

Dean Michael Pereira	... Applicant
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IN THE MATTER BETWEEN :-

Manjula Michael Pereira	... Applicant
Versus	
The State of Maharashtra	... Respondent

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Mr. Ujjwal Gandhi, Advocate for the Applicant.
Mr. Y. M. Nakhwa, APP for the Respondent – State.
Mr. Anil D. Yadav, Advocate for the applicant in Interim Application.

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CORAM : PRAKASH D. NAIK, J.

DATE : 16th JUNE, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 23 of 2021 registered with Gorai Police Station, Mumbai for offences under Sections 353, 323 504 of Indian Penal Code (for short “IPC”).

2. The First Information Report (for short “FIR”) is lodged on 16th May, 2021 by WPC attached to Gorai Police Station. The

accused (applicant) visits Police Station on every Sunday, as per order of this Court; in connection with C.R. No.4 of 2021 registered with said Police Station for offences under Sections 420, 465, 467, 468, 471 r/w Section 34 of IPC. On 16th May, 2021 applicant appeared before Investigating Officer. Both accused were present before Police Officer. One of the Police Constable was instructed to record conversation of interrogation. Both accused were arrogant. They were deliberately avoiding to disclose information. They made threatening gestures and indicated that they would not cooperate with investigation. They questioned investigating Officer and tried to pressurise the officer that inquiry be conducted against complainant. Since they refused to cooperate with investigation, instructions were given to stop video recording. The accused were told to leave Police Station. The applicant started video recording by her mobile phone. She held camera in front of Police Inspector and recorded that she is cooperating with investigation but the inspector is not cooperating. They were told not to conduct video recording. She did not stop recording. The complainant tried to take mobile phone from applicant. She was forcefully pushed by applicant, as a result the complainant lost her balance and fell down. The applicant ran away from the cabin of officer. She was chased and apprehended. She was brought to Police Station. She threw her bag and started shouting

loudly. She pushed complainant and another constable. She sat on chair of Thane Amaldar and deleted recording from her cell phone. On scrutiny of her cell phone it was noticed that, applicant had deleted video recording. Two eye witnesses present at Police Station advised applicant to keep calm and cooperate with investigation. She did not listen to them. Hence, FIR was lodged.

3. The applicant preferred application before Sessions Court. The said application was rejected on 28th May, 2021.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Her custodial interrogation is not necessary. Although the incident had occurred at about 11.20 a.m. the station diary made in the evening and the FIR was registered at about 6.00 p.m. The police were trying to record the interrogation of the applicant.

5. Learned APP submitted that the statements of witnesses were recorded. The statement of independent persons were also recorded which supports the case of the prosecution. The applicant cannot be permitted to take law into hands and obstructed the public servant in discharging of their duty. Such conduct cannot be permitted. She may commit crime again. She would pressurise investigating agency.

6. I have perused the Investigation papers, FIR and other documents. Specific role has been attributed to the applicant. The applicant was supposed to comply the order of the Sessions Court granting anticipatory bail. She cannot be permitted to behave in the manner in which reflected in the statements recorded during investigation while the police were discharging their duty. Apart from Police personnel, statements of two independent witnesses who were present at the Police Station corroborates version of complainant. The statements refers to arrogance and conduct of the applicant. Considering these circumstances, no case for grant of anticipatory bail is made out.

ORDER

- (i) Anticipatory Bail Application No. 1350 of 2021 is rejected and disposed of accordingly.
- (ii) Interim application (St.) No.9002 of 2021 is disposed of.

(PRAKASH D. NAIK, J.)