

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

ANTICIPATORY BAIL APPLICATION NO. 1351 OF 2021

1. Bhavana Rajesh Mandowara
2. Rajesh Bhagwatilal Mandowara ... Applicants

Versus

The State of Maharashtra ... Respondent

.....

Mr. Krishna K. Holambe Patil, Advocate for the Applicants.
Ms. Anamika Malhotra, APP for the Respondent – State.
Mr. Vishwasrao G. Babar (A.P.I.) Bhainder Police Station, Present.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 16th JUNE, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 127 of 2021 registered with Bhayandar Police Station, Dist. Thane for offences under Sections 353, 341, 506 r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The case of the prosecution is that on 26th March, 2021, the applicants visited office of Deputy Registrar of Cooperative Society and started questioning Deputy Registrar as to why he has appointed Mr. Ali Haider as Administrator of their society and threatened him that unless he set aside the said order, they would not go out as well as would not allow him to go out. Mr. Devkate was

prevented from going out. They caused obstruction in discharge of duty as a public servant.

3. Learned counsel for the applicants submit that the custodial interrogation of the applicants is not necessary. The applicants had purchased flat and submitted documents for transfer of shares. Since shares were not transferred complaint was filed before Deputy Registrar to disqualify members of society. Administrator was appointed. The said administrator was removed without reason on 25th March, 2021. Another person was appointed as Administrator. Being aggrieved, applicants visited office of Deputy Registrar. The new administrator filed false complaint. The previous administrator was present in office. She wrote letter dated 2nd April, 2021, stating that allegations are false. There are no criminal cases against applicants.

4. Learned APP submitted that the version of the complainant is supported by another witness. The incident had occurred. The applicants are involved in commission of offence. The applicants are husband and wife. They obstructed the public servant while discharging their duty.

5. I have perused the First Information Report and the other documents. The case of the prosecution is that the applicants

have visited the office of the complainant and committed the alleged act. The applicants are members of the cooperative society. There are no criminal antecedents against them. Considering the factual aspects, custodial interrogation of the applicants is not necessary. The applicants can be directed to appear before the Investigating Officer and cooperate with the investigation. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No. 1351 of 2021 is allowed;
- (ii) In the event of arrest of the applicants in connection with in C.R. No.127 of 2021 registered with Bhayandar Police Station, Dist. Thane, the applicants be released on bail on furnishing P. R. Bond in the sum of Rs.25,000/- each with one or more sureties in the like amount;
- (iii) The applicants shall attend the investigating officer on 22nd, 23rd & 24th June, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for till filing of charge-sheet.
- (iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)