

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1475 OF 2021

Javed Shoukat Chavadiwala @
Bagwan

.. Applicant

Versus

The State of Maharashtra

.. Respondent

...

Mr. Kuldeep U. Nikam for the applicant.

Mr. Ajay Patil, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 5th JULY 2021

P.C:-

1 Apprehending his arrest in C.R. No. 190 of 2021 registered with Satara Taluka Police Station, thereby invoking Sections 353, 324, 323, 504, 506 read with Section 34 of the IPC, the applicant has approached this Court.

2 At the outset, learned counsel for the applicant submit that when the offence was registered, no police custody was sought by the Investigating Officer and this fact would reflect the gravity of and seriousness of the offence and also the need for custodial interrogation.

Tilak

3 Complaint is filed by one *safai kamgar*, who was entrusted with the work by the Gram Panchayat and it is alleged by him that on 22nd April 2021, when he was assigned the work of clearing the logging of one gutter line in Ward No.1, Kale Vasti, in front of house of one Sanjay Jadhav, the Gram Panchayat Member Sanjeevani Dhanve appeared where the work was to be carried out. The JCB had arrived there and the allegation is that the applicant along with one Sudhakar Thopte suddenly arrived at the spot and started created a ruckus by hurling abuses and the assaulting the complainant. The allegation is this created an impediment in discharge of his duty and when member of Grampanchayat Sanjeevani Dhanve attempted to restrain them, they did not show any restraint and it is alleged that the present applicant gave one blow to Sanjeevani Dhanve near her ear and the accused no.1 pushed her, resulting into a minor injury to her wrist.

4 It is in the backdrop of these allegations levelled by the complainant an offence punishable under Sections 353, 323, 324, 504, 506 read with Section 34 IPC has been invoked.

5 The allegations levelled are of serious nature as it can be seen that it pertain to an assault being mounted on the member of Grampanchayat. However, looking to the nature of allegations levelled, no custodial interrogation is warranted and

subject to the assurance that the applicant will not tamper with the prosecution case or its witnesses or will co-operate with the investigation, in my considered opinion, he is entitled to be released on bail. Hence, the following order :-

ORDER

- (a) In the event of his arrest in C.R.No.190 of 2021 registered with Satara Taluka Police Station, the Applicant – Javed Shoukat Chavadiwale shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall report to Satara Taluka Police Station on every Thursday between 10.00 am to 2.00 p.m.

The Application is disposed of accordingly.

SMT. BHARATI DANGRE, J