

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

ANTICIPATORY BAIL APPLICATION NO. 1563 OF 2021

Jayesh Savan @ Bhagat Patil	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Wasim Shaikh for Applicant.

Mr. Amit A. Palkar, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 08th JULY, 2021

(Through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. I 506 of 2020 registered at Manpada Police Station, Dist. Thane, on 11/12/2020, under sections 143, 147, 149, 294, 341, 353, 353, 323, 504 and 506 of the Indian Penal Code (for short 'IPC').

2. Heard Mr. Wasim Shaikh, learned counsel for the applicant and Mr. Amit Palkar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Rajendra Lodha. He was Director of M/s. Microtech Developers Ltd. The incident is dated 11/12/2020. At that time, Government survey was arranged for Virar Alibaug Corridor. At

about 11:00a.m. Surveyor from the City Survey office at Kalyan along with his colleagues was present at the spot. They started work of measurement. It is alleged that, at that time, six named accused and 10 to 12 unknown persons came there. The applicant was one of the six named accused. They started shouting. They were saying that, they would create trouble if survey was carried out. In that area, there was a piece of land belonging to Lodha group, therefore, company's employees were also present. The Surveyor told the mob that the survey was for public benefit. However, one of the accused Savan Patil picked up a chair and chased the informant to assault him. The informant's co-employees prevented the accused from assaulting the informant. It is alleged that, all those accused were abusing and threatening the informant and others. On this basis the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that, no offence under section 353 of IPC is made out. Said section was added much belatedly. The applicant's role is very minor. Beyond the allegation of his presence, there is nothing else alleged against him.

5. Learned APP relying on the averments in the F.I.R., opposed this application.

6. I have considered these submissions. The F.I.R. does not attribute any specific role to the present applicant. No weapon is attributed to him. The allegations show that, he was present at the spot when this incident had taken place. However, beyond that, there are no allegations. The incident is quite old. It has taken place in December 2020. Therefore, after seven months, I do not see it appropriate in permitting custodial interrogation of the applicant. He deserves protection of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No. I 506 of 2020 registered at Manpada Police Station, Dist. Thane, the applicant is directed to be released on bail on his furnishing P. R. 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.)