

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

ANTICIPATORY BAIL APPLICATION NO. 1660 OF 2021

1. Mrs. Chetnaben Bhavinkumar Patel
2. Mrs. Divya Alpesh Vekariya Applicants

Versus

The State of Maharashtra Respondent

Mr. Lokesh Zade a/w. Gaurangi Patil and Anjali Shahi i/b. GP and Associates for Applicant.

Mr. H. J. Dedhia, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 19th JULY, 2021

(Through Video Conferencing)

P.C. :

1. The Applicants are seeking anticipatory bail in connection with C.R.No. I 80 of 2020 registered at Arnala Sagari Police Station, Palghar, on 12/03/2020, under sections 353, 332, 504 and 506 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Lokesh Zade, learned counsel for the applicants and Shri. Dedhia, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Raju Mahala who was working as Assistant Auditor at Virar Sub Division with MSEB. His company had entrusted M/s. Karvi Data company of Hyderabad to collect meter readings from the consumers. There were 17000 consumers in that area. Because of technical issues, reading for some consumers could not be taken and their meter reading was not entered into the computer. They were given bills for average consumption. On 24/02/2020, about 15 to 20 women had met the officer of the informant. The informant was also present there. Those women were making grievance about the excess bills. They were pacified and they were told that, the technical issue would be resolved. Those ladies had requested not to disconnect their electricity connection, in the meantime. They were assured that, electricity connection would not be disconnected. It is further mentioned in the F.I.R. that, on 12/03/2020, at about 1:30p.m. two women entered the office of the informant. At that time, the informant was taking lunch. Those two started abusing him. One of them removed her footwear and beat the informant. Their grievance was that, in spite of assurance,

their electricity was disconnected. The informant made inquiries with his employees. He was told that the connection was not disconnected. He informed the two ladies accordingly. They went out threatening the informant. On this basis the F.I.R. was lodged.

4. Learned counsel for the applicant submitted that the incident is dated 12/03/2020. For many months, no action was taken by the investigating agency. Suddenly, in the month of June 2021 police wanted to arrest the applicants. He submitted that, there is nothing to show that the identity of the offenders was known to the informant and therefore, there is nothing to connect these applicants with the alleged crime. The applicant No.1 has 8 year old child and applicant No.2 has 5 year old child. In the background of this delay and nature of the allegations, custodial interrogation of these two ladies would not serve any purpose.

5. Learned APP opposed this application. He submitted that, since the informant was beaten by one of the ladies with her footwear, leniency should not be shown to them.

6. I have considered these submissions. First of all, there is nothing to show that the applicants are the same ladies who

were involved in that particular incident. Say of the police attached to this application dated 02/07/2021, produced before the sessions court during the hearing of anticipatory bail application of the applicants, does not show any basis as to how the applicants were connected with the alleged offence. Nothing is pointed out to fix their identity.

7. The incident is old. For more than one and half year, the investigating agency did not feel necessity to arrest the applicants. In this view of the matter, their custodial interrogation after so many days is not really necessary. The material against them is also weak. One of them has 5 year old child. Considering this aspect, I am inclined to protect the applicants by way of anticipatory bail.

8. Hence, the following order :

ORDER

- (i) In the event of their arrest in connection with C.R.No. I 80 of 2020 registered at Arnala Sagari Police Station, Palghar, the applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand each Only) with

one or two sureties each in the like amount.

- (ii) The Applicants shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)