

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1183 OF 2019

Irene Silvester Chettiar	...Applicant
Versus	
The State of Maharashtra	...Respondent

None for the Applicant.

Mr. S.V.Gavand, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.
DATE : 3rd AUGUST, 2021

P.C. :

1. None appears for the Applicant.
2. By this application, the Applicant seeks pre-arrest bail in connection with C.R.No. 249 of 2019 registered with the Kashimira Police Station, Thane, for the offences punishable under Sections 353, 323, 504 read with Section 34 of the Indian Penal Code.
3. The allegations as against the Applicant is that he assaulted a public servant in order to deter him from discharging his official duties and

in the process for intentionally insulting and for causing hurt to the public servant.

4. This Court, vide order dated 31st May, 2019 (Coram : M.J.Jamadar, J) granted interim protection to the applicant on certain terms and conditions. This Court whilst granting interim protection in para 5 has observed as under:

“5. The record reveals that the husband of the applicant was arrested and has since been released on bail. The offence appears to have its genesis in a road rage. There is a solitary allegation against the applicant that, in furtherance of her common intention with her husband, the applicant assaulted the first informant. It is true that the act of assaulting a Police personnel, while he is discharging his duties, has a deleterious effect on the moral of the police force as well as undermines sanctity of law and order. However, the facts of the instant case reveal that the applicant is a woman and the allegations are principally against the husband of the applicant.”

5. Learned APP states that pending the aforesaid application, chargesheet has been filed as against the Applicant.

6. In the facts, custodial interrogation of the applicant is not warranted. Accordingly, the interim protection granted by this Court vide order dated 31st May, 2019 stands confirmed on the following terms and conditions.

ORDER

(i) In the event of the arrest, the Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

(ii) The Applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iii) The applicant shall inform his latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time, to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

(iv) The applicant to co-operate with the Trial Court.

7. The application is accordingly disposed of on the aforesaid terms.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.