

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

ANTICIPATORY BAIL APPLICATION NO. 2292 OF 2021

Deepak Mahadevan Nair ... Applicant

Versus

The State of Maharashtra ... Respondent

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Dr. Samarth S. Karmarkar, a/w Mr. S. R. Samukhrao i/b. Karmarkar & Associates, Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

Mr. B. M. Ghodake, (A.P.I.) MHB Colony Police Station, Mumbai, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 23rd SEPTEMBER, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 259 of 2020 registered with MHB Colony Police Station, Borivali (West), Mumbai for offence punishable under Sections 353, 332, 504, 188, 269, 270 r/w Section 34 of Indian Penal Code (for short “IPC”) and Section 51(B) of the Disaster Management Act.

2. The First Information Report (for short ‘FIR’) was lodged on 21st May, 2020. The complainant is junior engineer with Mumbai Municipal Corporation. On 20th May, 2020 he was performing his duty and installing the barricades for constructing

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the iron gate at New Link Road, Borivali (West). At that time three persons came on scooter and one of them started removing the iron gate. The complainant objected. He was manhandled and the accused fled from the place. The complainant had given description of one person aged about 29 years and the person who assaulted him. The complainant is public servant. Hence, it was alleged that the he was obstructed from discharging his duty.

3. The applicant preferred an application for anticipatory bail before the Sessions Court which has been rejected by order dated 22nd September, 2020.

4. Learned counsel for the applicant submitted that he is not involved in this case. His age is about 39 years. Description given by the complainant about person who assaulted him do not apply to him. The applicant is not having any criminal antecedents.

5. Learned APP submitted that the applicant is involved in the crime. Statements of witnesses were recorded and the applicant has been named by them as the person who was involved in the incident dated 20th May, 2021.

6. It is pertinent to note that the statements of the alleged witnesses were recorded on 16th September, 2021 & 19th September, 2021, although the alleged incident had occurred on 20th May,

2021. Although there were three persons, the complainant has given description of one person who had purportedly manhandled him, as a result of which he fell down. Considering the factual aspects as stated above, the applicant need not be subjected to custodial interrogation.

7. Hence, I pass the following order:

ORDER

(i) Anticipatory Bail Application No.2292 of 2021 is allowed;

(ii) In the event of arrest of the applicant in connection with C.R. No. 259 of 2020 registered MHB Colony Police Station, Borivali (West), Mumbai, the applicant be released on bail on furnishing P R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall attend the investigating officer on 28th, 29th & 30th September, 2021 between 11.00 a.m. to 1.00 noon and thereafter as and when called for.

(iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)