

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2311 OF 2021

Ashokkumar Jainarayan Mishra

Applicant

versus

The State of Maharashtra

Respondent

Mr.Sushant Mahadik with Ayush Singh i/by Praful Gaikwad for applicant.

MrS.H.Yadav, APP, for State.

PHC S.S.Desai, Bhayander Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 27th September 2021

PC :

1. This is an application for anticipatory bail in CR No.348 of 2021 registered with Bhayander Police Station for offences under Sections 353, 332, 504 of Indian Penal Code, under Sections 129, 130(1), 130(3), 52, 24(2) of Motor Vehicles Act, 1988.

2. The complainant is Police Naik attached to Traffic Branch. He was on duty. He noticed that the applicant was driving Enfield motorcycle with irritating sound. Hence he was tried to be stopped. The applicant drove the motorcycle on the foot of complainant. Thereafter he abused him, tried to pull his mask and attempted to record video in his mobile phone. The applicant was without helmet and the challan was issued to him by way of fine for breach of provisions of Motor Vehicles Act.

3. Learned counsel for applicant submitted that the FIR is false. The silencer of the motorcycle was normal. He is not having any

criminal antecedents. He was driving the motorcycle with his wife. In the past he has not committed any breach of motor vehicles rules.

4. Learned APP submitted that the conduct of the applicant is required to be deprecated. The policeman was discharging his duty. The applicant abused him and committed acts spelt out in the FIR.

5. It appears that the applicant was charged under Sections 129, 130(1), 130(3), 52, 24(2) of Motor Vehicles Act and fined to the extent of Rs.1,700/-. The receipt indicate that applicant was without helmet. The applicant is not having any criminal antecedents. With a view to give him an opportunity to mend his ways, the applicant is granted relief. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.I-348 of 2021 registered with Bhayander Police Station, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall appear before Investigating Officer on 4th and 5th October 2021 between 11 am and 1 pm and thereafter as and when required till filing of charge sheet;
- (iv) The applicant shall produce his mobile phone for the purposes of investigation to the Investigating Officer.

(PRAKASH D. NAIK, J.)

MST