

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

ANTICIPATORY BAIL APPLICATION NO. 1785 OF 2019

Sultan Mahamad Mukadam Applicant

Versus

The State of Maharashtra Respondent

Mr. Pratik Karande h/f Amin H. Solkar, for the applicant.
Smt. J.S. Lohokare, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.
DATE :17th FEBRUARY 2021

P.C. :

1. The applicant is seeking anticipatory bail in connection with C.R. No. 19 of 2019 registered with Mandangad Police Station, District Ratnagiri on 24/07/2019 under sections 353, 332 and 506 of IPC.

2. Heard Mr. Pratik Karande, learned Counsel for the applicant and Smt. J.S. Lohokare, learned APP for the state.

3. The allegations in the FIR lodged by one Dinesh Shivgan are that he was working as Gramsevak with gram-

panchayat Mhapral Mohalla. It is alleged that on 24/7/2019, he was present attending his duties. The applicant came there and called the informant near the gate. The informant went to meet the applicant as he thought there could be some work. The applicant asked the informant about the water supply scheme and submission of its proposal. The informant told him that the proposal was ready but it could not be submitted as some portion of the land could not be transferred. The applicant allegedly got angry. It is alleged that the applicant held the informant by his shirt and manhandled him. He pushed the informant and threatened that he would see to it that the informant loses his job. On these allegations the FIR is lodged.

4. Learned Counsel for the applicant submitted that no such incident had taken place. No purpose will be served by his custodial interrogation.

5. Learned APP relied on the allegations made in the FIR. She submitted that considering the conduct of the applicant, leniency should not be shown to the applicant.

6. I have considered these submissions. Conduct of the

applicant of course, cannot be justified. Ultimately it has to be proved during the trial. Today, I am considering only the question of granting of anticipatory bail and necessity of custodial interrogation of the applicant. The applicant was on interim protection since 16/8/2019. In the meantime, no efforts were made by the investigating agency to get this order vacated by pointing out necessity of his immediate custodial interrogation. After lapse of such a long period, at this stage, his custodial interrogation is not necessary. The incident appears to be a small incident, though, as mentioned earlier that the applicant's conduct cannot be justified.

7. Learned APP, on instructions has stated that since the earlier order of interim protection, there is one C.R. under section 379 of I.P.C. against the applicant, but it was not concerning any public servant. Considering this background, custodial interrogation of the applicant is not necessary. In this case, the applicant was on interim protection for a long period. The applicant will have face the prosecution and possible punishment, if the offence is proved. Today, I am inclined to grant final

anticipatory bail order in favour of the applicant.

8. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R. No. 19 of 2019 registered with Mandangad Police Station, District Ratnagiri the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The Application stands disposed of accordingly

(SARANG V. KOTWAL, J.)