

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.2086
OF 2019

Balaji Tilak Ram Tiwari	..Applicant
V/s.	
The State of Maharashtra	..Respondent

Mr. Jai Prakash Mishra, for the Applicant.
Mr. Y. Y. Dabke, APP, for the Respondent-State.
PSI Prakash S. Balfewad, MIDC Police Station present.

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DATE : 21 August 2021

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. The Applicant who is co-accused apprehending arrest in Crime No. 280/2019 of Police Station MIDC, Mumbai under Section 323, 353, 504 r/w. Section 34 of IPC, is seeking anticipatory bail.

2. The prosecution case is that the Complainant Nasir Hussain Alibhai who is an employee working with the Solid Waste Management (SWM) department of the Municipal Corporation alongwith officer Mr. Ajay Shivaji Magare had gone

on 18 June 2019 for clearance of the drainage and removal of loose material on MIDC, Road No.11, in front of Lodha Construction. This was at about 11.30 a.m. As per the complaint lodged by Nasir Hussain Alibhai, at that time one Shakil and two to three others took objection to the clearance and interfered with the working of the cleaning of the drainage and removal of the loose material. The Complainant also alleged that Mr. Shakil and two to three other persons had assaulted him. On such a complaint, offence came to be registered and the investigation is said to be practically complete.

3. I have heard the learned counsel for the Applicant and the learned APP.

4. The learned counsel for the Applicant submitted that the Applicant has not been named in the FIR. He states that the Applicant was only a bystander and was not involved in any assault or prevention of the work of cleaning of drainage and removal of loose material. The record shows that by an order dated 25 September 2019, interim protection was granted to the Applicant, inter alia on the condition of attendance.

5. Learned APP, on instructions, from the the Investigating Officer who is stated to be present before the Court, states that

the Applicant has attended and has co-operated with the Investigating Agency.

6. Considering the over all circumstances, the Criminal Application is disposed of in terms of the order dated 25 September 2019 subject to the condition that the Applicant shall report to the Investigating Officer as and when called and shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence / witnesses.

C.V. BHADANG, J.