

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1743 OF 2022

Vinod @ Kalidas Vishwanath Kasbe		Applicant
Versus		
The State of Maharashtra		Respondent

Mr. Piyush Toshnival a/w. Manoj Patil, Amit Icham, Vivek Arote & Aashish Satpute i/b. Aashish Pawar for the Applicant.

Ms. M.R. Tidke, APP for the State.

Mr. S.S. Nale, PSI, Sangola Police Station, Solapur.

CORAM : N.J. JAMADAR, J.

DATE : 30th JUNE, 2022

PC. :

1. Heard the learned counsel for the Applicant and the learned APP
2. This is an application for pre-arrest bail in connection with C.R.No.625 of 2022, registered with Sangola Police Station, Solapur for the offences punishable u/s.353, 504 & 506 of the Indian Penal Code, 1860.
3. The said crime came to be registered on the basis of a report lodged by Mrs.Sheela Bade, the first informant, who is posted as Round Officer in the Social Forestry Office at Sangola. On 27.05.2022 there was a commotion. She came out of her office and found that the applicant was abusing her senior officer Mr. Mohan Tamhane. She advised him not to abuse and create chaos. Thereafter, the applicant entered into her cabin and abused and threatened her.

4. The learned counsel for the Applicant submitted that from the allegations in the First Information Report, the offence punishable u/s.353 of the Indian Penal Code is not *prima facie* made out. At best, the allegations are that the applicant abused the first informant and committed criminal intimidation, which are bailable offences.

5. I have perused the allegations in the first information report. I find substance in the submissions of the learned counsel for the applicant. The gravamen of indictment against the applicant is that the applicant entered the cabin of the first informant and banged the door and chairs in her cabin and abused and threatened her. It is, however, not alleged that the gesture or preparation made by the applicant was such that it gave apprehension of use of criminal force. Nor the applicant allegedly used criminal force. The allegations are in the realm of hurling abuses and threats. In the circumstances, whether the acts of the applicant would fall within the dragnet of Section 353 of the IPC is a matter which warrants consideration.

6. In any event, in the backdrop of the nature of the aforesaid accusation, custodial interrogation of the applicant does not seem warranted. The applicant is stated to be a journalist. He has a fixed place of abode. Thus, possibility of fleeing away from justice as well as tampering with evidence seems to be remote. I am, therefore, persuaded to exercise the discretion in favour of the applicant. Hence, the following order.

ORDER

- (i) The application stands allowed.
- (ii) In the event of arrest in C.R. No.625 of 2022 registered with Sangola Police Station, Solapur for the offences punishable u/s.353, 504 & 506 of the Indian Penal Code, 1860, the applicant be released on bail on furnishing a P.R Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall cooperate with the investigation and report to the concerned investigating officer as and when directed.
- (iv) The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witness.

(N.J. JAMADAR, J.)