

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2863 OF 2022

i) Rohit Dada Nagnath Kature
ii) Kanhiyya Prakash Patil ... Applicants

Versus

The State of Maharashtra through
Barshi City Police Station, Solapur ... Respondent

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Mr. Sachin Bhavar for the Applicants.
Ms. P.P. Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 14 OCTOBER 2022

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicants are apprehending their arrest in Crime No.614 of 2022 registered at Barshi City Police Station, for the offence punishable under Sections 353, 504, 506 r/w. 34 of Indian Penal Code.

3. According to the prosecution, on 20th September 2022, the present applicants assaulted the complainant and prevented him from discharging his duty as a bus conductor.

4. I have heard the learned Counsel for the applicants and the

learned APP for the State.

5. The learned Counsel for the applicants submits that the applicant No.1 is businessman and owns hotel and applicant No.2 is a civil engineer. It is submitted that false allegations are made against the present applicants. Nothing is to be recovered from the present applicants and therefore, their custodial interrogation is not necessary. It is submitted that there are no criminal antecedents. It is submitted that considering the facts and circumstances the applicants be released on anticipatory bail.

6. On the other hand the learned APP for the Respondent-State submitted that at the time of incident, the applicants were under the influence of liquor. They assaulted the complainant and prevented him from discharging his duty. It is submitted that considering the nature of offence applicants may not be released on anticipatory bail.

7. According to the complainant, during assault his shirt pocket was torn and he lost certain amount, however, he has not spelled out as to how much amount he had lost. The allegations in relation to the alleged assault are general in nature. There are no criminal antecedents. Nothing is to be recovered at the instance of present applicants and therefore their custodial interrogation is not necessary. Considering these facts and circumstances, I am inclined to grant anticipatory bail to the present applicants. Hence, the following order is passed :

- (i) Application is allowed.
- (ii) In the event of arrest, the applicants – i) Rohit Dada Nagnath Kature and ii) Kanhiyya Prakash Patil, in Crime No.614 of 2022 registered at Barshi City Police Station, for the offence punishable under Sections 353, 504, 506 r/w. 34 of Indian Penal Code, they be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.
- (iii) The applicants shall attend the concerned police station as and when called and shall co-operate in the investigation.

(N.R. BORKAR, J.)