

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

ANTICIPATORY BAIL APPLICATION NO. 267 OF 2022

Kiran Jotiram Landge	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Sushrut Jadhwar for Applicant.
Mrs. J. S. Lohokare, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 3rd FEBRUARY 2022
(through Video Conferencing)**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.333 of 2021 registered at Vinoba Bhave Nagar Police Station, under sections 353, 323, 143, 147, 149, 504 and 506 of the Indian Penal Code (for short 'IPC'). Initially the offence was registered at Ghatkopar police station vide C.R.No.00 of 2021 on 17/09/2021. It was transferred to Vinoba Bhave Nagar Police station.

2. Heard Shri. Sushrut Jadhwar, learned counsel for the applicant and Mrs. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Nitin Kulkarni. He was working as Assistant Engineer in 'L Ward, Kurla (W), Mumbai with Mumbai Municipal Corporation. He was working there since July 2019. It was responsibility of his department to look after the water supply in the area of Hanuman Tekdi, Kevat Mandal etc. consisting of 16 Wards. The water was supplied between 6.30p.m. to 8.45a.m. The applicant was the local Corporator from Ward No.160. He used to be in touch with the informant. The informant's work timing was 9.00a.m. to 5.00p.m.

4. On 08/09/2021, at about 8.30a.m. the informant was inspecting the water supply at Badridham Society. At that time, the applicant called him on his mobile phone and asked him to reached Raju Badekar Marg. He told the informant that unless he reached there within five minutes, he would face serious consequences. The informant immediately went there. He saw that the applicant was with 15 to 20 local residents. The applicant held the informant's hand and pushed him. He abused the informant and broke his umbrella. He pulled the informant's mask and

started pulling him towards the temple. He was instigating his supporters. The crowd gathered there. They were agitated. One of them slapped the informant. Some other from the crowd threatened to pour kerosene on the informant. The informant tried to seek help by making phone calls to his colleagues but he was taken to a temple. The gate was closed. The residents in the area started gathering there. All of them started questioning the informant and started threatening him. In the meantime, his colleagues reached there. The crowd was very angry. The situation had gone out of control. The crowd was saying that the informant should be tied to a chair and should be detained throughout the night there itself. In the meantime, some police officers reached there. Some officers from the Municipal Corporation also reached there. There was some discussion. Assurance was given for regular water supply and of providing some alternate line. After that the applicant was allowed to go. Shaken by the incident, the informant asked for transfer from that particular ward.

5. On 13/09/2021, another Corporator from Ward No.164 came to the informant's office and abused and threatened

the informant. Fed up of this constant pressure, the informant and his colleagues gave an application to the police officers and finally after discussion, lodged this F.I.R.

6. Learned counsel for the applicant submitted that, custodial interrogation of the applicant is not necessary. There are no antecedents against him. The applicant is the Local Corporator and he was acting in the interest of residents. Therefore, anticipatory bail be granted to him.

7. Learned APP opposed this application. She submitted that the applicant has one case registered against him U/s.326 of IPC. She submitted that the offence is serious and, therefore, anticipatory bail should not be granted to him.

8. I have considered these submissions. The narration in the F.I.R. shows that, because of the instigation of the present applicant the situation had gone out of control. The incident had a potential of causing much more damage to the informant. His safety was seriously in danger. Even if the applicant wanted to help the residents, this was not the proper way. In fact, this act had given rise to law and order situation. The large crowd had

gathered, they were angry and anything could have happened. So far as, ingredients of Section 353 of IPC are concerned, they are clearly made out. The applicant was performing his duty. There could be genuine reasons for non supply of water properly. But even otherwise, this was not the way in which a local Corporator is expected to act. The narration in the F.I.R. shows that the informant and his colleagues were exposed to danger. Considering all this, no case for grant of anticipatory bail order is made out.

9. The application is rejected.

(SARANG V. KOTWAL, J.)