

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**ANTICIPATORY BAIL APPLICATION NO.517 OF 2022**

VISHAL  
SUBHASH  
PAREKAR

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VISHAL SUBHASH  
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| Mrunal Kiran Patil       | ...Applicant  |
| vs.                      |               |
| The State of Maharashtra | ...Respondent |

Mr. Sachin Deokar, for the Applicant  
Mr. P.H. Gaikwad, APP, for the State.

**CORAM : N. J. JAMADAR, J.**  
**DATE : JUNE 28, 2022**

**P.C.:**

1. This is an application for pre-arrest bail in connection with C.R. No.4 of 2022 registered with Warje-Malwadi police station, Pune for the offences punishable under sections 323, 353 and 504 of Indian Penal Code, 1860.

2. Ms. Sushma Gholve, a Woman Police Constable, who was attached to Damini Marshall Squad at Warje-Malwadi police station lodged a report with the allegations that on 2<sup>nd</sup> January, 2022 the applicant had been to Karve Nagar police station and created ruckus. The applicant had come to the police station along with her mother Sanjana Patil to lodge a report against her neighbours. Police officer asked the applicant to wait as he was recording the report lodged by one Sunita Dalvi. The applicant left Karve Nagar

police station and went to Warje police station and lodged report. As the applicant was creating huge commotion, the first informant asked her to behave. Retorting the applicant questioned the authority of the first informant, abused her and pulled her hairs. The applicant allegedly slapped the first informant. The applicant abused API. Raikar, as well. Hence, the first informant lodged report.

3. By an order dated 20<sup>th</sup> February, 2022 this Court was persuaded to grant interim pre-arrest bail. It was noted that a submission was made on behalf of the applicant that the applicant and her mother were assaulted by the police personnel in the police station.

4. I have heard Mr. Sachin Deokar, learned counsel for the applicant and Mr. Gaikwad, the learned APP, for the State. I have also perused the investigation papers.

5. The learned counsel for the applicant invited attention of the Court to the photographs which indicate that the applicant and her mother had sustained injuries. In contrast, the learned APP invited attention of the Court to CCTV footage which show that the

applicant and the first informant were engaged in a dual.

6. The learned APP submitted that there are statements of the police personnel as well as independent witnesses which clearly indicate that the applicant used criminal force in order to prevent a public servant from discharging her official duty. Therefore, the applicant does not deserve the exercise of discretion in her favour.

7. I have given anxious consideration to the aforesaid submission. It appears that the applicant and her mother insisted for recording of report against their neighbours, first in point of time. As the report of the neighbour of the applicant, with whom the applicant and her family allegedly had a quarrel, was being recorded first, there was a flare up. Indisputably, the CCTV footages show that there was, in a sense, a fisticuffs. At the same time, there are photographs which indicate that the applicant and her mother sustained injuries.

8. It is pertinent to note that having regard to the nature and place of occurrence, with the collection of CCTV footages and recording of the statement of police personnel and other persons who were present thereat, the investigation would be complete for

all intent and purpose. The incident appears to have occurred at the spur of the moment. It does not appear to be a case of per-mediated attack on a public servant. Custodial interrogation of the applicant does not seem to be warranted. The applicant has a counter version which competes in probability.

9. For the aforesaid reasons, at this length of time, I do not find any justifiable reason to decline to confirm the order of pre-arrest bail.

Hence, the following order.

#### **ORDER**

- 1] The application stands allowed.
- 2] The order of interim pre-arrest bail dated 28<sup>th</sup> February, 2022, stands confirmed on the terms and conditions incorporated therein.
- 3] In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

**(N. J. JAMADAR, J.)**