

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 919 OF 2022

Nazneen Rauf Dange

..Applicant

V/s.

The State of Maharashtra

..Respondent

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Mr. Kunal Pednekar i/b Aniket Vagal for the Applicant.

Mrs. J.S. Lohokare, APP for the Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 6 APRIL 2022

P.C.

1. The Applicant, apprehending arrest in Crime No. 87 of 2020 of Police Station, Mahabaleshwar, District Satara, under Section 353, 143, 147, 269, 270, 427, 504 read with Section 149 of IPC and Section 51 of the Disaster Management Act, 2005 and Section 2 of the Infectious Diseases Act and Section 11 of the Maharashtra Covid-19 Regulations 2020, is seeking anticipatory bail.

2. The aforesaid crime is registered on the basis of the complaint lodged by Pranav Vasantrao Saste, a Civil Engineer working with Mahabaleshwar Municipal Council, who during the course of the pandemic, was designated as Covid Warrior and was

a part of a team to supervise the persons entering or getting out of village Ranjanwadi, the containment zone. The covid warriors, were entrusted to test the bio-metrics including pulse, temperature and the oxygen level of the persons coming in and out of the village with a view to control the spread of the virus.

3. Although such covid warriors were performing their duty in the larger interest in testing times, they were required to face certain unpalatable situations/incidents. The informant claims that on 30.07.2020 about 86 residents from Mahabaleshwar were to be tested by the Rapid Antigen Test and those found positive, were to be segregated at MTDC Headquarters, which was the designated quarantine center. He states that 7 out of 47 residents tested positive and they were asked to board a vehicle for being taken to the quarantine center, when the mob turned violent and pelted stones, opposing such segregation. There was a mob of about 100 to 125 persons which had gathered and in the incident unfortunately the medical staff as well as Chief Officer and the staff of the Municipal Council was also at the receiving end. On the basis of the incident being reported, the offence came to be registered, which is under investigation.

4. I have heard learned counsel for the parties, perused record.

5. The learned APP in all fairness did not dispute that the only role attributed to the Applicant is that she had made an

attempt to prevent the patients who were found to be covid positives to be shifted to the quarantine centre claiming that the patients were not covid positive. It appears that there was a mob of about 100-125 persons, who had gathered at the spot. It is not disputed that role attributed to the Applicant is similar to accused Wahid Mujawar and Azhar Badane, who have been granted anticipatory bail by this Court by order dated 25.03.2022 in Anticipatory Bail Application Nos. 2518/2021 and 2525/2021.

6. In that view of the matter, the following order is passed:

ORDER

i) In the event of her arrest, in connection with the investigation of Crime No. 87 of 2020 of Police Station, Mahabaleshwar, District Satara, the Applicant **Nazneen Rauf Dange** shall be released on bail on executing a PR Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

ii) The Applicant shall co-operate with the Investigating Agency and shall not tamper with the prosecution evidence/witnesses.

iii) The criminal application is disposed of in the aforesaid terms.

(C.V. BHADANG, J.)