

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

ANTICIPATORY BAIL APPLICATION NO.2096 of 2022

Rajesh Ramchand Funase

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Amol B. Jagtap with Ms Ritika Gangwani for the Applicant.

Mr. Y.Y. Dabke, APP for Respondent -State.

Mr. N.S. Jadhav, ASI, Lonawala police station, present.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 25th AUGUST, 2022.

P.C.:-

1. This is an application under Section 438 of Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in Crime No.119 of 2022 registered with Lonawala Police Station, District-Pune (rural), for the offences punishable under Sections 332, 353, 504 and 506 r/w. 34 of the IPC.

2. Heard Mr. Amol Jagtap, learned counsel for the Applicant and Mr. Y.Y. Dabke, learned APP for the Respondent -State. Perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR

lodged by Rahul Ambekar, Police Patil of Devle. The records prima facie indicate that while the Complainant was at his residence one Sachin Thosar, who was known to him, told him that Rohidas Thosar had blocked the gutter in front of his house, which had resulted in water logging and sought his help. The Complainant went to the house of Sachin and instructed Rohidas to release the water. At that time he also saw that one Eknath Phunse had also blocked the water. Therefore the Complainant also instructed said Eknath not to obstruct flow of the water. The Complainant claims that Eknath had abused him and that the Applicant, who is the cousin of said Eknath assaulted him with stick.

3. The FIR does not prima facie indicate that the incident had occurred while the Complainant was discharging his duties as a public servant, within the meaning of Section 6 of the Maharashtra Village Police Act, 1967. Considering the nature of accusations, this Court by order dated 03/08/2022 had granted interim protection to the Applicant. It is stated that pursuant to the said order, the Applicant has reported to the Investigating Officer and he has been interrogated. Considering the nature of accusation, in my considered view this is not a case, which would justify custodial interrogation.

4. Under the circumstances, the application is allowed on the

following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.119 of 2022 registered with Lonawala Police Station, District-Pune (rural) the Applicant is ordered to be released on bail, on furnishing bail bonds in the sum of Rs. 25,000/- with one or two sureties to the like amount.
- (ii) The Applicant shall report to the Investigating Officer as and when called for.
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and /or change of residence or mobile details, if any, from time to time.
- (iv) The Applicant shall not interfere with the prosecution witnesses and /or tamper with the evidence, in any manner.

5. The application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)