

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

ANTICIPATORY BAIL APPLICATION NO. 2550 OF 2021

**SNEHA
NITIN
CHAVAN**

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Suraj s/o Chandrakant Bhoir

..Applicant

V/s.

The State of Maharashtra

..Respondent

Mr. Nitin Sejpal for the Applicant.

Mr. Y.Y. Dabke, APP for the Respondent/State.

PSI Lala Lonkar, Panvel city Police Station, Navi Mumbai.

CORAM : C.V. BHADANG, J.

**DATE : 28 JANUARY 2022
(Through Video Conferencing)**

P.C.

1. By this application, the Applicant apprehending arrest in connection with the investigation of Crime No. 540 of 2021 of Police Station Panvel City, District-New Bombay, under Section 332, 353 and 504 of IPC, is seeking anticipatory bail.

2. The complainant Vikas Sangle is working as a Technician with the Maharashtra State Electricity Distribution Company Limited ('Company' for short) at Palspe which comes within Panvel Rural Division. The complainant was entrusted with the work of recovery of the arrears of the electricity charges, from the

consumers. On 29.09.2021, the informant along with other staff had gone to village Palspe as a part of the recovery drive. According to the first informant, at that time the Applicant made a call on his mobile number at about 9.19 a.m. and abused the informant on the point of recovery of arrears. The Applicant also asked the informant to wait and he would come there. At about 9.30 a.m., the Applicant went to the bus stop near the bridge on the road leading to Shiral and assaulted the first informant with a footwear and with fists and kicks blows and he was taken till Hanuman Temple. One of the employee of the Electricity Board informed about the incident to the Seniors, after which a complaint was lodged.

3. The learned counsel for the Applicant strenuously urged that the Applicant is repenting for his act. It happened on the spur of the moment. He submitted that Applicant is ready and willing to make amends and also to deposit certain amount in the Staff Welfare Fund of the Electricity Board by way of remorse. It is submitted that no purpose would be served by taking the Applicant in custody.

4. The learned APP pointed out that the incident has happened in broad day light with an intention to deter the public servant from doing his public duty. It is submitted that there was a uproar amongst the employees of the Company on the incident

and the Applicant does not deserve discretionary relief, particularly when there are criminal antecedents to his discredit.

5. Insofar as the criminal antecedents are concerned, the learned counsel for the Applicant pointed out that one of the case is under Section 306 of IPC, which has arisen on account of a family dispute and second is a non-cognizance case.

6. I have given my anxious consideration to the rival circumstances and the submissions made. The incident of the the present nature, by assaulting and/or by show of strength on the spot in order to deter the public servants from performing their public duties are on a rise. Prima facie, it cannot be accepted that the incident has happened on the spur of the moment, inasmuch as the Applicant had telephonically asked the informant, to wait under the bridge and the Applicant went there and assaulted the informant in public place in broad day light, thereafter, parading the informant till Hanuman Temple in public view. There is CCTV footage of the entire incident, which has been recovered by the Investigating Officer. In my considered view, granting of the discretionary relief in such a case, would not be proper.

7. Hence, the Criminal Application is rejected.

8. At this stage, the learned counsel for the Applicant on instructions states that Applicant shall surrender before the Investigating Officer on Monday i.e. 31.01.2022 on or before 11.00 a.m. The statement so made is accepted.

(C.V. BHADANG, J.)