

rajshree

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2444 OF 2022

Dinkar Namdeo Sadgir	]	..	Applicant
vs.			
State of Maharashtra	]	..	Respondent

Dheeraj Panchange, for the Applicant.

Mr.S.H. Yadav, APP for the State.

PSI Sambhaji Mane, Shahapur Police Station present.

CORAM : BHARATI DANGRE, J

DATE : 6th SEPTEMBER, 2022.

P.C.

1] The Applicant is apprehending arrest in CR No.139/2022 registered with Shahapur Police Station which invoke offence under Section 353, 332, 504, 506, 143, 147 and 148 of the Indian Penal Code.

2] Apart from the present Applicant, five other persons are arraigned as accused and the Applicant is arraigned as Accused No.1.

It is informed that barring the present Applicant, all other accused have been released on bail in anticipation of their arrest.

3] When the impugned order rejecting the application of the present applicant is perused, it can be seen that the ground on which relief has been denied to him is his active participation in the incident.

4] If the First Information Report lodged by the Police Constable is perused, it can be seen that he had been to a hotel to dine, while on duty on 06.04.2022 and he was accompanied by other police personnel. It is alleged that the Applicant and other accused were having a party bash in the hotel and they were creating lot of commotion and they were also abusive. When asked to stop the mess, the accused persons got angry and hurled abuses at the police personnel. They assaulted them with slaps and fist blows.

5] As far as present Applicant is concerned, he is alleged to have caused injury to the complainant by means of a fork and he has sustained an injury which is described in the medico legal certificate issued by Rural Hospital, Khardi. It shows an abrasion on left retro Auricular area (back side of left ear) 2x0.5 c.m. It is described as simple injury. The other injuries are blunt trauma on chest and head.

6] The Applicant face accusation of assaulting a public servant who in execution of his duty was deterred from discharging his duty. It is the case of the complainant that he had gone for dinner and it is doubtful whether he was on duty, when it is alleged that he was assaulted.

7] In any case, it is informed that happenings of the incident are recorded in the CCTV camera and therefore role of the Applicant has clearly surfaced on record. Maximum punishment which would be levied upon him on found guilty of offence under Section 353 of the Indian Penal Code would be imprisonment of a description which may extend to five years or with fine or with both.

The aforesaid circumstances do not warrant custodial interrogation of the Applicant and he deserve protection from arrest.

8] The learned counsel for the Applicant states that the Applicant has repentance about his behaviour and he shall take consequences of his act, upon charge being framed against him. However, as a good gesture he is ready to deposit an amount of Rs.10,000/- in the account of Maharashtra Police Welfare Fund, which cater to the needs of police officials, in need of any financial assistance.

9] In the wake of above, since the Applicant has expressed repentance towards the incident, he deserve protection from arrest, by the following order :

ORDER

(a) Application is allowed.

(b) In the event of arrest in connection with C.R.No.139/2022 registered with Shahapur Police Station, the applicant Dinkar Namdeo Sadgir shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with one or two sureties of the like amount.

(c) The Applicant shall deposit an amount of Rs.10,000/- as undertaken by him, in the account of Maharashtra Police Welfare Fund, within a period of two weeks from today and receipt of the same shall be produced before the Investigating Officer immediately thereafter.

(d) The applicant shall report to the concerned police station as and when called for.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.

[BHARATI DANGRE, J]