

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

ANTICIPATORY BAIL APPLICATION NO. 2933 OF 2021

Santosh Lalsingh Rathod	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Rajendra Bade h/f. Kulkarni and Associates for Applicant.
Ms. Rutuja Ambekar a/w. P. H. Gaikwad, APP for
State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 20th JANUARY, 2022
(through Video Conferencing)

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.325 of 2021 registered at Waliv Police Station, on 26/03/2021, under sections 395, 324, 452, 427, 504 and 506 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Rajendra Bade, learned counsel for the applicant and Ms. Rutuja Ambekar, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by one Sahil Khan. He has stated that, on 25/03/2021,

there was some altercation between the informant's family and one Arvind Patel and his brothers. The informant and his family went back to their house. After some time, about 11 to 12 named accused and 8 to 10 unknown accused came in the lane carrying sticks, iron pipes and bamboo. The applicant was one of the named accused in the F.I.R. The mob came in front of the informant's room. They damaged two wheeler parked out side of the room. The door and window were broken. They entered the room. They damaged cupboard, Air Conditioner and other articles. They removed mobile phone of the informant's mother. They created fear. The informant and his family escaped from the room from back side and took shelter in a nearby house. After some time, police came there and rescued the informant and his family. The F.I.R. mentions that, 10 others were similarly assaulted. Their houses and vehicles were damaged.

4. Learned counsel for the applicant submitted that the applicant was on duty at MHBC police station, Borivali (W). The applicant was residing within 3 Km. area of the spot of incident and, therefore, it was natural that he would be present in his area

after duty hours. He submitted that, at the point when the incident took place the applicant was on duty and, therefore, allegations against him are false. He submitted that the applicant is serving with police department and, therefore, if he is arrested on false allegations, he will suffer irreparable loss.

5. Learned APP strongly opposed this application. She produced the police report opposing this application. She submitted that the applicant was working with police department and yet he had taken the law in his hands. The applicant's CDR shows that he was constantly in touch with other accused Yogesh Thakur and the applicant himself was present at the spot of incident.

6. I have considered these submissions. In this case, the charge-sheet is already filed against other accused which contains statements of eye witnesses. Their statements, particularly, those of Ruksana Khan, Rabiya Ansari, Farzana Khan and Barkat Ali Shaikh have specifically named the applicant and have attributed role to him. The investigation has shown that the applicant was present at the spot. His CDR also supports the police case. The offence is

quite serious. The charge-sheet is filed against other accused. The applicant could not be arrested since 26/03/2021. Considering the seriousness of allegations and evidence collected against the present applicant, the applicant cannot be protected by an order of anticipatory bail.

7. The application is rejected.

(SARANG V. KOTWAL, J.)