

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

967 ANTICIPATORY BAIL APPLICATION NO.1117 OF 2023

SHAIENDRA RAMESHWAR YAWALKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Sudarshan J. Salunke
APP for Respondent – State : Mr. S.N. Morampalle

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CORAM : R. M. JOSHI, J.
DATE : JULY 19, 2023

PER COURT :

. Applicant is apprehending arrest in connection with Crime No.124 of 2023 registered with Tuljapur Police Station, Dist. Osmanabad for the offences punishable under Section 353, 332, 504 of the Indian Penal Code.

2. Applicant is an advocate against whom it is alleged that he unauthorizedly entered in the depot of MSRTC at Tuljapur and assaulted informant. On the basis of the report given by first informant, offence came to be registered with Tuljapur Police Station vide Cr. No. 124 of 2023.

3. It is contention of informant that on 29.03.2023 at

around 10.30 a.m. one unknown person came to the garage of MSRTC and he abused and assaulted informant by saying that why informant is causing trouble to Smt. Sherkar. Informant was saved by co-employees.

4. Learned counsel for applicant states that said lady lodged complaint to applicant about she being sexually harassed by informant herein and hence applicant went to question about the same. It is submitted that even if statement of informant is accepted as it is to be true, no offence punishable under Section 353, 332 of Indian Penal Code are made out as it is not case of informant that there is any obstruction caused to him from performance of his duties as public servant.

5. Learned APP opposed application by contending that without any authority applicant entered depot and caused assault on informant. He relied upon statement of witnesses which indicate that applicant had been to work place of informant and has caused assault on him while he was on duty.

6. Applicant is an advocate and that as per the statement of informant and other witnesses, he without any authority entered the

work place of informant and abused and assaulted him. So far as submission of learned counsel for applicant with regard to applicant had questioned informant about the alleged sexual demands made by him from lady co-worker is concerned, report lodged on 31.03.2023 at her instance on the face of it appears to be nothing but brain child of present applicant. There is reason to believe that the said First Information Report was lodged only with a view that applicant can get some defence for his presence at the work place of informant. If at all such sexual favours were asked by informant from that lady and applicant was aware of it, there is no justification though being lawyer, he did not lodge complaint about it with police. The said report therefore is an afterthought. It was absolutely wrong on part of applicant to enter the work place of public servant and to cause assault on him.

7. However, considering the issue raised by learned counsel for applicant about applicability of Sections 353 and 332 of Indian Penal Code, which of course would be finally decided during trial; suffice it to say that on that count liberty of applicant deserves to be protected. Nothing is to be recovered from him. Hence on this technical ground applicant deserves anticipatory bail. Hence,

following order:

ORDER

- (i) The Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No.124 of 2023 registered with Tuljapur Police Station, Dist. Osmanabad for the offences punishable under Section 353, 332, 504 of the Indian Penal Code, he be released on bail on furnishing PR Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one solvent surety in the like amount.
- (iii) He shall attend the concerned police station once in a week till filing of charge-sheet.
- (iv) He shall not contact the witnesses directly or indirectly.
- (v) He shall not interfere with the evidence in any manner whatsoever.
- (vi) He is further directed to cooperate with the investigating agency for further investigation.

[R. M. JOSHI]
JUDGE

GGP