

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 7 OF 2023

Gopal Gangaji Wake ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Sujay Gawade alongwith Ms. Mudita Pawar instructed by Shree and Co. for the Applicant.

Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 4 JANUARY 2023

P.C. :-

1. This is an application filed under Section 438 of the Code of Criminal Procedure, 1973 for anticipatory bail.

2. The applicant is apprehending his arrest in Crime No. 352 of 2022 registered at Chandgad Police Station, Kolhapur for the offence punishable under Sections 353, 424, 426 of Indian Penal Code.

3. I have heard the learned Counsel for the applicant and the learned APP for the State.

4. On the date of incident, which took place on 6 December 2022, the complainant was working as Gram Sevak. According to her, on

the date of alleged incident, the present applicant came to Gram Panchayat and demanded proceeding Register. It is alleged that the complainant accordingly had handed over the said Register to the applicant. It is alleged that the applicant tried to take away the said Register and when the complainant tried to prevent him from doing so, he pushed her.

5. The learned Counsel for the applicant submit that the false complaint came to be filed due to political rivalry just to prevent the applicant, who was Dy. Sarpanch, from contesting grampanchayat elections. It is submitted that nothing is to be recovered at the instance of the present applicant and therefore, his custodial interrogation is not necessary. It is submitted that the applicant may therefore be released on anticipatory bail.

6. The learned APP for the State submits that the present applicant is involved in one more offence. It is submitted that considering the nature of offence, the applicant may not be released on anticipatory bail.

7. I have perused the FIR. It appears that elections were already declared. There appears to be no need of custodial interrogation as nothing is to be recovered at the instance of present applicant. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the present applicant. In the result, the following order is passed :

(i) Application is allowed.

(ii) In the event of arrest of the applicant - Gopal Gangaji Wake in Crime No. 352 of 2022 registered at Chandgad Police Station, Kolhapur for the offences punishable under Sections 353, 424, 426 of Indian Penal Code, he shall be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount.

(iii) The applicant shall attend the concerned police station on 12 and 13 January 2022 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called.

(N.R. BORKAR, J.)