

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

ANTICIPATORY BAIL APPLICATION NO. 965 OF 2023

Suraj Limbaji Kolhal

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Dhananjay K. Chavan for the Applicant.

Mr. Shrikant Yadav, APP for the State.

**CORAM : ANUJA PRABHUDESSAI ,J.
DATED : 3rd APRIL, 2023.**

P.C.

1. At the outset, learned Counsel for the Applicant seeks leave to amend prayer clause (b) so as to correct the crime number from C.R.No. 150 of 2021 to C.R.No.150 of 2023. Leave granted. Amendment to be carried out forthwith.

2. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.150 of 2023, registered at Mohol Police Station, Solapur, for offences under Section 324, 332, 353, 504, 506 r/w. 34 of the Indian Penal Code.

3. Heard learned Counsel for the Applicant and learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

4. The aforesaid crime was registered pursuant to the FIR lodged by Police Naik- Satyawar Bharat Jadhav. The FIR prima facie reveals that

on 15.02.2023, the Complainant was on duty at Mohol Police Station. On 16.02.2023 at about 5.00 am. he had received a phone call stating that the shutter of one shop at Narkhed Chowk was open. He along with the other police personnel proceeded to the place of incident. It is alleged that the co-accused abused the complainant and others. They also caught hold of his collar. There are specific allegations against the Applicant for assaulting the Complainant with a stick. The contention of the learned Counsel for the Applicant that the Applicant is falsely implicated because his father is a social worker can not prima facie be accepted. The records prima facie indicate that the Applicant has assaulted a police constable, while he was discharging his lawful duty. Grant of pre-arrest bail in such matters will not only demoralise the law enforcing agency, but will embolden such elements to take law in their hands and indulge in criminal activities and will thus send wrong signal to the society.

5. Hence, in my considered view, this is not a fit case to exercise discretion under Section 438 of Cr.P.C. In the result, the Application is rejected.

(ANUJA PRABHUDESSAI, J.)