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

ANTICIPATORY BAIL APPLICATION NO. 339 OF 2023

Mr. Ram Bhagwan Bharati @ Dada Gosavi ..Applicant

VS.

The State of Maharashtra ..Respondent

Mr. Suhas Oak a/w Mr. Vinod Utekar, for the Applicant.

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

PSI- Mr. Ashish Pawar, Nizampura Police Station is present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 3, 2023

P.C. :

1. Heard learned counsel for the applicant and learned APP.

2. This is an application for pre-arrest bail. The applicant is apprehending arrest in connection with C.R. No.0172 of 2022 dated 27/07/2022 registered with Nijampura Police Station for offence punishable under sections 153A, 188 of the Indian Penal Code, 1860 and section 134 of the Bombay Police Act, 1951.

3. It is stated by the complainant that the applicant had

applied for protest rally permission with Assistant Commissioner of Police, Bhiwandi which was scheduled on 24/07/2022 on the letter head of Samasta Hindu Samaz. The said application was forwarded to Bhiwandi city Police Station for further implementation. On 20/07/2022, the applicant was called at Bhiwandi city Police Station and his statement was recorded in respect of the said program in which he was advised not to speak anything which will create disharmony and hurt the sentiments of other religious communities. The police station accorded no objection to the said protest rally. It is the further allegation that the accused no.2 made a speech which was highly objectionable and provocative as it amounted to create a rift between two communities. The accused no.1 (applicant) being the organizer had allegedly breached the terms and conditions of the permission. It is on the basis of the video recording that the FIR no. 0172 of 2022 came to be registered on 27/07/2022.

4. There are criminal antecedents against the applicant. In 5 of the cases, the applicant has been acquitted.

However, looking at the nature of the accusations in the present case, the fact that no untoward incident has been reported as a result of consequence of the speech which was given by the accused no.2 and as the applicant was the organizer of the rally, the custodial interrogation in my opinion, is not required. The applicant must however co-operate with the investigation. Hence, the following order.

ORDER

(a) The application is allowed.

(b) In the event of arrest of the applicant in connection with C.R.No.0172 of 2022 dated 27/07/2022 registered with Nijampura Police Station, the applicant-Mr. Ram Bhagwan Bharati @ Dada Gosavi be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(c) 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;

(d) The applicant shall report to the investigating officer on 7th , 8th, 9th February 2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called for.

4. The anticipatory bail application is disposed of.

(M. S. KARNIK, J.)