

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

ANTICIPATORY BAIL APPLICATION NO.411 OF 2023

Umakant Lalchand Bharati ..Applicant
VS.
The State of Maharashtra ..Respondent

Mr. Moin Khan for the Applicant.

Ms. P. N. Dabholkar, APP for the State.

PSI – Ashish Patil, Boisar Police Station, Palghar.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 10, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for pre-arrest bail by the applicant in connection with C.R. No.0009 of 2023 dated 10/01/2023, registered with Boisar Police Station, under sections 323, 392, 504 and 34 of the Indian Penal Code, 1860 (“IPC” for short).
- 3.** It is alleged by the complainant who is the reporter that the applicant, who is also a reporter, approached the complainant and held him by the collar as the applicant was annoyed with some defamatory material posted by the

complainant on the WhatsApp group. Thereafter it is alleged that the accused used abusive language and assaulted the complainant with fists and kick blows. It is further alleged that the accused took away a gold chain of 10 Gms, a gold ring of 2 Gms and a sum of Rs.8200/- which was there in the pocket of the complainant. On record is a C.R. No. 0007 of 2023 dated 10/01/2023 filed by the present applicant who was the first informant under sections 323, 501, 504, 506 and 34 of IPC and sections 3(1)(r), 3(1)(s) and 6 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. There are cross-cases filed by the complainant and the applicant against each other and the FIR of the present applicant is prior in point of time.

4. Considering the nature of the accusations and the manner in which the alleged incident took place over some defamatory material allegedly posted by the complainant related to the accused, the applicant could be granted the facility of anticipatory bail. The applicant must cooperate with the investigation and the learned counsel for the applicant assured that the applicant will cooperate with the investigation. Hence, the following order.

ORDER

(a) In the event of arrest of the Applicant- Umakant Lalchand Bharati in connection with C.R. No.0009 of 2023, registered with Boisar Police Station, shall be released on bail, on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount;

(b) The applicant to co-operate with the Investigating Officer;

(c) The applicant shall report to the Investigating Officer on 14/02/2023 and 15/02/2023 between 11.00 a.m. and 1.00 p.m and thereafter as and when called;

(d) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

5. The application stands disposed of.

(M. S. KARNIK, J.)