

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1491 OF 2023

Roshan Janardan Ulwekar & Ors.	... Applicants
V/s.	
The State of Maharashtra	... Respondent

Mr. Nitin Sejpai with Ms. Pooja Sejpai & Ms. Akshata Desai for the applicants.

Ms. Rutuja Ambekar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 20, 2023

P.C.:

1. Apprehending arrest of the applicants in connection with C.R. No.44 of 2023 for offences punishable under sections 395 and 354 of the Indian Penal Code, 1860, they are seeking pre-arrest bail under section 438 of the Criminal Procedure Code, 1973.

2. The prosecution case is as under:

On 13th March 2023, the informant lodged a report with Dadar Sagari Police Station, alleging that on 12th March 2023 at about 10:30 p.m. he along with his family members were returning from Dapoli to Boriwali. On 13th March 2023 at about 02:45 a.m. they reached near Sai Sahara Hotel at Pen. At that time when one gray color Ertiga Car came from back side. Driver of the said car threw two stones on the glass of the informant's car.

Though the informant stopped his car, the driver of Ertiga Car left the spot by abusing the informant. The informant chased the Ertiga Car upto 200 to 300 meters. During that chase Ertiga Car's driver dashed informant's car from right side. Both of them stopped their cars. At that time six to seven persons alighted from Ertiga Car. One Vento Car and one Swift Car came from Pen side and started assaulting the informant and his family members by fist blows and wooden logs. They snatched golden ornaments from the informant and his family members. They caught hold the hand of informant's sister and outraged her modesty. They ran away from the spot. When the informant tried to chase them, driver of the Swift Car blocked him. He, therefore, made a call to 100 number for help. Based on this, the first information report was lodged against the applicant and others.

3. The application under section 438 of the Criminal Procedure Code, 1973 has been rejected by the learned Sessions Judge by order dated 11th April 2023. Aggrieved thereby, the applicants have filed present anticipatory bail application.

4. Learned advocate for the applicants submitted that there is no recovery made from the arrested accused. Charge sheet has been filed against the arrested accused. There is no material to implicate the applicants in the offence alleged. The applicants are ready to cooperate with the investigating officer.

5. Learned APP for the State opposed the request contending that recovery of the ornaments is yet to be made and for that purpose applicants' custodial interrogation is necessary. The

vehicles used for commission of the offence are not seized. The offence is serious in nature.

6. On perusal of the material on record, it appears that the allegations made against the applicants are general in nature. Prima facie, it appears that the incident in question took place due to road rage. For recovery of the articles and vehicles, learned advocate for the applicant, on instructions, states that applicants are ready to cooperate with the investigation. Therefore, considering overall nature of the allegations and material on record, the applicants have made out a case for grant of relief. Hence, following order:

- a) In the event of arrest of the applicants in connection with C.R. No. C.R. No.44 of 2023 for offences punishable under sections 395 and 354 of the Indian Penal Code, 1860, they shall be released on bail on furnishing PR Bond in the sum of Rs.50,000/- each along with one or two sureties in the like amount;
- b) The applicants shall remain present before the investigating officer on 22nd, 23rd, 26th June 2023 between 11:00 a.m. to 02:00 p.m. and, thereafter, as and when called by the investigating officer;
- c) The applicants shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- d) The applicants shall not obstruct or hamper the police

investigation and not to play mischief with the evidence collected or yet to be collected by the police;

e) The applicants shall, at the time of execution of the bond, furnish their address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

7. The anticipatory bail application stands disposed of in above terms.

(AMIT BORKAR, J.)