

SA Pathan

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

ANTICIPATORY BAIL APPLICATION NO. 1770 OF 2023

Swati Kaka Sawant & Anr. ... Applicants
V/s.
The State of Maharashtra ... Respondent

Mr. Abhijeet U. Pawar, for the Applicant.

Mrs. Rutuja Ambekar, APP for the State-Respondent.

CORAM : AMIT BORKAR, J.

DATED : JULY 3, 2023

P.C.:

1. Apprehending arrest in connection with C.R.No.0316 of 2023 registered with Jat police station, Sangali for the offences punishable under Sections 143, 147, 148, 323, 324, 327, 504, 506 and 427 of the Indian Penal Code, 1860 (for short 'IPC'), the applicant has filed present anticipatory bail application seeking relief of pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.').

2. According to prosecution, the informant is working as chairman of one Sambodhi Samuh, saving group (Bachatgat) which is under the scheme developed by the State Government. On 24 May 2023, it was decided to disburse sanctioned loan amount in favour of member of Bachatgat. On 24 May 2023 at 3:30 when the informant was on the spot of incident for disbursing the amount to members of Sambodhi Samuh Bachatgat, the applicant along with other co-accused objected on informant and

members present at that place. It is alleged that the applicant along with other co-accused assaulted the informant by holding her hair.

3. Applicants, therefore, filed application under Section 438 of Cr.P.C. before learned Sessions Judge which came to be rejected by order dated 16 June 2023. Aggrieved thereby, the applicants have filed the present anticipatory bail application.

4. On perusal of the report and material on record, it appears that the role attributed to applicants is only to the extent that they assaulted the informant by holding her hair. There is no mention of grievous injury nor serious injury caused to the informant. Considering the nature of allegations against applicants, custodial interrogation of applicants is not necessary. Hence, following order:

a) In the event of arrest of applicants in connection with C.R. No. 0316 of 2023 registered with Jat police station, Sangali for the offences punishable under Sections 143, 147, 148, 323, 324, 327, 504, 506 and 427 of IPC, they be released on bail on furnishing P.R. bond of Rs.25,000/- each, along with one or two sureties in the like amount.

b) Applicants shall remain present before the concerned police station on 5th, 7th and 10th July, 2023 between 11:00 am to 2:00 pm thereafter, as and when called by the investigating officer.

c) 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) 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) 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.

5. The anticipatory bail application stands disposed of. No costs.

(AMIT BORKAR, J.)