



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

BAIL APPLICATION NO. 3612 OF 2023

ROSHAN TUKARAM WADKAR

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Rajendra Shirodkar a/w Adv. Archit Sakhalkar, Nbihar Ghah, Darshan Zagade i/b Mr. Satya Gaud, for the Applicant.

Mr. Y.Y. Dabake, APP for the State.

The investigating officer- Mr. Ajit of Navghar police station present.

CORAM : M. S. KARNIK, J.

DATE : DECEMBER 20, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under sections 436, 427 of the Indian Penal Code, 1860 and under sections 3 and 4 of the Prevention of Damage to the Public Property Act, 1984 registered on 09/10/2023 vide C.R. No. 233 of 2023 with Navghar police station.
- 3.** The applicant was arrested on 09/10/2023 in respect of an incident which took place on 09/10/2023 at about 3:30

p.m. at Anandnagar Toll Plaza. The prosecution case is that the applicant claimed to be the President of Maharashtra Navnirman Sena, District Thane and was protesting the arrest of one Avinash Jadhav which was a result of opposing the levy of toll. The applicant threw one bottle containing petrol inside the toll booth no. 17 and set it on fire. The prosecution case is that the applicant is responsible for damaging public property. Fortunately, nobody was injured in the incident. The applicant is in custody for almost 2 months. There are no criminal antecedents reported against the applicant. The investigation is complete. The charge-sheet has been filed. The trial is likely to take a long time to conclude. Further incarceration of the applicant as a pre-trial may not be necessary as the applicant does not appear to be a flight risk. He will face trial. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Roshan Tukaram Wadkar in connection with C.R. No.233 of 2023 registered with Navghar police station shall be released on bail on his furnishing P.R. Bond of Rs.15,000/- with one or more sureties in the like amount.

(c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 15,000/- for a period of 6 weeks in lieu of surety.

(d) The applicant shall attend the investigating officer of Navghar police station once in a month on first Monday of every month between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) 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.

(g) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

4. The application is disposed of.

(M. S. KARNIK, J.)