

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

ANTICIPATORY BAIL APPLICATION NO.3583 OF 2022

1. Kamtaprasad Shriram Rai
2. Mrs. Kanti Kamtaprasad Rai
3. Priyanka Kamtaprasad Rai
4. Kusum Kamtaprasad Rai

..Applicants

VS.

State of Maharashtra

..Respondent

Mr. Nitesh V. Bhutekar a/w Mr. Aniket Nangare, for the Applicant.

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

Sr. P.I- Mr. Pandharinath Bhalerao, Vishnunagar Police Station present.

CORAM : M. S. KARNIK, J.

DATE : JANUARY 18, 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. 352 of 2022 dated 18/11/2022 registered with Vishnunagar Police Station, Dombivali for the offence punishable under sections 353, 504, 506, 34 of the Indian Penal Code, 1860 ("IPC",

for short).

3. It is alleged that in pursuance of the proceedings initiated under the Maharashtra Co-operative Societies Act, the Recovery Officer had gone to the residence of the applicants to take possession of the flat in question. There was no actual assault, but it is alleged that the Recovery Officer was obstructed from taking possession and an attempt was made to assault him. The applicants were inside the house from where they threatened the Recovery Officer. Applicant no. 1 is 68 years old, applicant no. 2 is 60 years of age and applicants no. 3 and 4 are the grand-daughters of the applicant no.1 who are 22 years and 24 years of age. Having regard to the nature of the accusations, custodial interrogation of the applicants is not necessary. The offence alleged is under sections 353, 504, 506 and 34 of IPC. There are no criminal antecedents reported against the applicants. Hence, the following order.

ORDER

(a) In the event of arrest of the applicants in connection with C.R. No. 352 of 2022 dated

18/11/2022 registered with Vishnunagar Police Station, Dombivali, the applicant no. 1- Kamtaprasad Shriram Rai, applicant no. 2- Mrs. Kanti Kamtaprasad Rai, applicant no. 3-Priyanka Kamtaprasad Rai and applicant no. 4-Kusum Kamtaprasad Rai be released on bail on their furnishing P.R. Bond in the sum of Rs.15,000/- each with one or more sureties in the like amount;

(b) The applicants 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;

(c) The applicant no.1 shall attend the investigating officer on 23/01/2023 between 11.00 a.m. and 1.00 p.m. and thereafter as and when called by the investigating officer and co-operate with the investigation.

4. The anticipatory bail application is disposed of.

(M. S. KARNIK, J.)