

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3196 OF 2024**

Tathagat Mukesh Maske	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Abhay Arjun Jadhavar for applicant.

Mr. Bapu V. Holambe-Patil, APP for respondent-State.

Mr. Pravin Bhagwat Shahane, Barshi City Police Station, District Solapur Rural.

CORAM : MANISH PITALE, J.

DATE : 02nd DECEMBER, 2024

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0816 of 2024 dated 23.09.2024, registered at Barshi City Police Station, District Solapur Rural, for offences under Sections 132, 115(2), 352, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 110 and 117 of the Maharashtra Police Act, 1951.

3. The informant is jailor in sub-jail at Barshi and he has alleged on the date and time of the incident, the applicant accompanied with certain associates, came there and threatened him, resulting in registration of aforesaid offences.

4. The learned counsel for the applicant submits that the non-bailable offence in the present case, would be Section 351(3) of the

BNS and it is submitted that the ingredients of the said offence are not made out. The applicant is ready to co-operate with the investigation and therefore, this Court may consider allowing the present application.

5. The learned APP submits that the applicant has 4 criminal antecedents, indicating that he is repeatedly indulging in such criminal behaviour. It is submitted that the informant being a jailor, while performing his duty, has been threatened in the aforesaid manner. It is submitted that this Court may not show any indulgence.

6. Having considered the rival submissions, it is submitted that the present application can be allowed, as long as the applicant is ready to co-operate with the investigation. A perusal of Section 351(3) of the BNS shows that it pertains to criminal intimidation and it provides for punishment for a term that can extend to 7 years. But, the criminal intimidation under Section 351(3) of the BNS indicates that the threat must be to cause death or grievous hurt or to cause destruction of property or by fire or to cause an offence punishable with death.

7. A perusal of the statement of the informant does show that although reference is made to the applicant threatening the informant, there is no reference to threats being extended, in order to show the ingredients of offence under Section 351(3) of the BNS. A *prima facie* case is made out by the applicant in his favour.

8. In view of the above, the application is allowed in the following terms:

(i) In the event the applicant is arrested in connection with FIR No.0816 of 2024 dated 23.09.2024, registered at Barshi City

Police Station, District Solapur Rural, he shall be released on bail on furnishing PR Bond of ₹ 25,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court.

- (ii) The applicant shall remain present before the Investigating Officer on 04.12.2024 and 05.12.2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer.
- (iii) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
- (iv) The applicant shall co-operate with the investigation and also in the proceedings before the Trial Court.

9. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application stands disposed of.

(MANISH PITALE, J)

Priya Kambli