

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

ANTICIPATORY BAIL APPLICATION NO.322 OF 2024

Yashovardhan Rajkumar Shukla Applicant

versus

State of Maharashtra Respondent

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- Mr. Amol Jagtap a/w Chandni Sachade, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 06th FEBRUARY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.213/2024, dated 29/01/2024, registered with Kasarwadvali Police Station, Thane City, under sections 353, 504, 506 of the Indian Penal Code, under section 85 of the Maharashtra Prohibition Act, section 4 & 21 of The Cigarette and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

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2. Heard Mr. Amol Jagtap, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.
3. The FIR is lodged by one Nagesh Pisal on 29/01/2024.
The Applicant came to Kasarwadvali police station. He interfered with the police work. The informant was taking down the FIR in some cases. The Applicant wanted to lodge his own FIR. He was asked to take a seat. But he got angry. He started quarreling with the police officers. The police were trying to pacify him, but he was not willing to listen. He was shouting loudly. He was threatening that the police officers would lose their jobs. Those, who were trying to pacify him, were abused by him. He had become uncontrollable. He started smoking in the police station itself. When the senior police officers came to the police station, he started quarreling with them as well. Therefore, he was taken for medical examination in the civil hospital. On this basis, the FIR is lodged.
4. Learned counsel for the Applicant submitted that he

had not used any force and therefore section 353 of IPC was not attracted. He had not assaulted any public servant. He submitted that the Applicant is suffering from psychological issues and he is taking treatment for the same. He is prescribed some medicines for his behaviour and psychological issues. Learned counsel produced copies of the medical papers in that behalf. They are taken on record and marked 'X-collectively' for identification. He submitted that in view of his medical condition, this application be treated sympathetically on humanitarian ground. His custodial interrogation in this background is not necessary. He further submitted that the Applicant was in the police station at the time of incident itself. He was not arrested at that time; and therefore after a few days, there is no propriety in arresting the Applicant.

5. Learned APP submitted that the medical examination has revealed that the Applicant had consumed alcohol. His behaviour had really caused trouble in the police station.

6. I have considered these submissions. I have taken into account the medical papers submitted by learned counsel for the Applicant. These papers show that he is suffering from stress related fear and he is suffering from such illness for about 8-10 years. He is suggested to undergo some tests. Some medicines are prescribed for his condition. He is also addicted to smoking.
7. Considering all these medical symptoms, some leniency can be shown to the Applicant. It is also to be noted that the Applicant was available at the time of the incident, but he was not arrested. Therefore, after a few days his arrest for the purpose of custodial interrogation is not really necessary. The Applicant can be protected by way of ad-interim relief. It is clarified that the order is passed taking into account all these factors; that does not mean that the incident in the police station can be treated in a casual manner. Today I am only considering the question of grant of relief u/s 438 of Cr.P.C. mainly with reference to the Applicant's medical condition.

8. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.213/2024, dated 29/01/2024, registered with Kasarwadvali Police Station, Thane City, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)