

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

ANTICIPATORY BAIL APPLICATION NO.2066 OF 2024

Mr. Yogesh Bhagwan Langhe	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Vilas Shivarkar, for the Applicant.
Mr. Balraj B. Kulkarni, APP for the Respondent/State.

CORAM : MANISH PITALE, J.

DATE : 14th AUGUST, 2024

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1. Heard learned counsel for the Applicant and learned APP for the Respondent/State.

2. The Applicant is apprehending arrest in connection with FIR No.0211 of 2024 dated 07.06.2024 registered with Junnar Police Station, District Pune for the offences under Sections 323, 353, 504, 506 of IPC.

3. The informant is a Chief Accountant in the office of the Deputy Conservator of Forest, Junnar. He has alleged that on the date of the incident, the Applicant came to his office and misbehaved and threatened him in the backdrop of an Application made by the Applicant for information under the Right To Information Act, 2005. It is alleged that not only did the Applicant

misbehave, but when he was taken before the Senior Officer, he continued this misbehaviour and subsequently even pushed the informant outside his office. On this basis, the aforesaid offences have been registered.

4. Learned counsel for the Applicant submits that only the offence under Section 353 of the IPC is a non-bailable offence. He submits that the nature of threat allegedly given by the Applicant is wholly baseless, because the brother of the Applicant is not highly educated, leave alone being a Judge or otherwise, and the background of the incident is given in the form of transcript of a phone conversation which allegedly took place between the Applicant and the informant on 16.05.2024. He submitted that the Applicant is ready to co-operate with the investigation and therefore, this Court may consider allowing the Application.

5. On the other hand, learned APP submits that the ingredients of offence under Section 353 of IPC are made out on the basis of statement of informant. It is submitted that the informant is clearly a public servant, who was performing his duty at the point in time when the Applicant committed the aforesaid act.

6. This Court has perused the statement of the informant leading to registration of the FIR. Even if the entire contents of the said statement are accepted, what comes to the fore is that the Applicant appears to have been frustrated about the information not

being available, as demanded by him, and in that regard he behaved in a particular manner with the informant. There is no allegation of any physical assault, leave alone any injuries, on the informant. The allegation about threats being given to the informant are all oral in nature. This Court has also perused the transcript of the alleged phone conversation dated 16.05.2024 between the Applicant and the informant. It appears that the two of them were having difference of opinion on the issue of information being provided to the Applicant under the Right To Information Act, 2005.

7. In such a situation, taking the Applicant into custody may not be necessary, so long as he is ready to co-operate with the investigation.

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

- (a) In the event of Applicant is arrested in connection with FIR No.0211 of 2024 dated 07.06.2024 registered with Junnar Police Station, he shall be released on bail on executing PR bond in the sum of Rs.20,000/- with one or two sureties in the like amount.
- (b) The Applicant shall remain present before the Investigating Officer on 17th August, 2024 and thereafter as and when called by the Investigating Officer.

- (c) The Applicant shall co-operate with the investigation presenting himself for medical examination and also surrendering his mobile phones before the Investigating Officer.
- (d) The Applicant shall not tamper with the evidence and he shall not influence the informant, witnesses or any other person concerned with the present case.

9. Needless to say, violation of any of the aforesaid conditions would make the Applicant liable to face proceedings for cancellation of bail. It is also clarified that the observations made in this order are limited to the question of grant of bail to the Applicant in the present Application and that the Trial Court shall proceed further, without being influenced by the observations made in this order.

10. The Application stands disposed of.

(MANISH PITALE, J.)