

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

Anticipatory Bail Application No.2144 of 2024

Mahesh Vishandas Chandwani
Aged :52 years, Occ : Business,
R/a A/19, Indraprasth Society,
Sarvodaya Nagar, Jain Mandir Road,
Mulund West, Mumbai 400 080 ... Applicant.

Vs.

The State of Maharashtra
At the instance of Sr. Inspector of
Police Rabodi Police Station vide
their FIR No.621 of 2024. ... Respondent.

Mr Sudeep Pasbola a/w Mrunal Bhide a/w Rajan Gurnani i/by
Ayush Pasbola for the applicant.

Mr MG Patil, APP for the State.

PSI Mahesh Khankar Rabodi Police Station is present.

**Coram : R.N.Laddha, J.
Date : 1 August 2024.**

P.C. :

Heard Mr Sudeep Pasbola, the learned Counsel, appearing on
behalf of the applicant and Mr MG Patil, the learned Additional
Public Prosecutor, appearing on behalf of the respondent/ State.

2. This is an application for pre-arrest bail filed by applicant,
apprehending arrest in CR No.621 of 2024 registered at Rabodi

Police Station, Thane, for the offences punishable under Sections 353, 504 and 506 of the Indian Penal Code, 1860.

3. It is the case of the prosecution that the informant, employed at Thane Municipal Corporation since the year 1993, worked in the Encroachment Control & Removal Division of Prabhag Samiti, Utalsar. On 27 June 2024, while on duty, the Assistant Commissioner of Police informed him about Commissioner's orders to take action against illegal Hukka Parlours, Bars and unauthorised construction works. A team comprising of executive engineer, deputy engineers, sanitary inspectors, corporators and police personnel was formed for this purpose. Initially, the focused on illegal constructions near the late Minatai Chowk at Khopat. While crossing the fly-over, the informant and his team noticed four heavily weighed iron angles illegally connected to the footpath in front of DTDC Courier office causing obstructions to the pedestrians. Using a JCB machine, they removed these iron angles, and two of them were subsequently brought to their office in a tempo. During this process, the applicant (owner of DTDC Courier Service) and three unknown persons arrived, shouting, abusing, threatening and obstructing the informant and the team.

4. The learned Counsel for the applicant, submits that the applicant has been falsely implicated in the present crime, and no

offence under Sections 353, 504 and 506 of the Indian Penal Code apply to him. The applicant did not assault or use any criminal force during the incident. Moreover, the learned Counsel points out that the applicant previously filed a complaint on 8 October 2021, with the Executive Engineer, Public Works Department of the Corporation against the informant. The present FIR is the outcome of the applicant's earlier complaint. Furthermore, nothing is to be recovered from the applicant and his custodial interrogation is unwarranted.

5. On the other hand, Mr MG Patil, the learned APP, submits that the applicant abused and threatened the informant as on his instructions the illegal construction of the shop of the applicant was removed as a part of his official duty.

6. This Court has considered the material on record in light of the rival submissions. Initially, the allegations against the applicant centered around an incident where they visited the informant's office, verbally abused and threatened the informant. The applicant did not employ any physical force, and nothing is to be recovered or discovered from him. The investigation is almost complete, and the fact that the co-accused are yet to be arrested, should not be a ground to deny bail to the applicant in anticipation of his arrest. Considering the nature of the allegations, the stage of investigation,

and the fact that nothing is to be recovered from the applicant, this Court is inclined to allow this application. Accordingly, the application is allowed in the following terms.

- (i) In the event of the applicant's arrest in CR No.621 of 2024 registered at Rabodi Police Station, Thane, he be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station as and when required.
- (iii) The applicant, himself or through any other person, shall not indulge in any activity that would tamper with the evidence or influence the witnesses.

7. Needless to say, violating any of the conditions above may lead to cancellation of bail. The application stands disposed of accordingly.

[R. N. Laddha,J.]