

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

Anticipatory Bail Application No.2273 of 2024

1) Shashikant Ravindra Komb

Age : 27, Occ: Agriculturist

R/o : Own House, Talwada, Vikramgad,
Palghar

2) Vishal Vilas Tokare

Age:24, Occ: Govt Servant,

R/o 930, Khadki Solset road,

Khadki, Talwada, Vikramgad, Palghar

..... Applicants.

Vs.

The State of Maharashtra

(at the instance of Police Inspector,

Jawahar Police Station CR No.I-105/2024 Respondent.

Mr Kabul Singh Labana for the applicant.

Mr Yogesh Dabake, APP for Respondent/State.

ASI DM Navale, Jawahar Police Station, Palghar is present.

Coram : R. N. Laddha, J.

Date : 14 August 2024.

P.C.:

This is an application filed by the applicants seeking bail in anticipation of arrest in connection with CR No.105 of 2024, registered at Jawahar Police Station, Palghar, for the offences punishable under Sections 353, 332, and 504 read with 34 of the Indian Penal Code.

2. The prosecution alleges that the informant, a state transport bus driver, was chased by the applicants in their car, pulled him out of the bus, verbally abused and assaulted him with fist blows.

3. Mr Kabul Singh Labana, the learned Counsel appearing for the applicants, contends that when the applicants were travelling to Nashik with their family members by road, the informant negligently drove the bus at high speed and damaged their car. They chased the bus to the Gorvadi bus stop, where the informant abused and manhandled the applicants. The learned Counsel submits that the applicants lodged a cross-complaint against the informant. The applicants have been falsely implicated in the present crime to counterblast the applicants' cross-FIR. He further submits that nothing is to be recovered from the applicants as the investigation is complete. The applicants are ready and willing to abide by the conditions set by the Court.

4. Mr Yogesh Dabake, the learned Additional Public Prosecutor representing the respondent/ State, submits that the offence is grave as the applicants have assaulted the informant, a public servant, while discharging his official duty. The learned APP raises concern about granting pre-arrest bail to the applicants as they may tamper with the evidence or influence the witnesses. He,

however, acknowledges that the investigation is complete, and nothing is to be recovered or discovered from the applicants.

5. Upon perusing the records, it appears that the applicants, who were travelling to Nashik in their car, stand accused of verbally abusing and physically assaulting the informant with fist blows. The incident occurred on 2 May 2024. The applicants also filed a complaint against the informant for hurling abuses and slapping them. The learned APP concedes that the investigation has concluded and nothing is to be recovered from the applicants. Appropriate conditions can be imposed to address the prosecution's concerns about evidence tampering and witness influence. In these circumstances, the present application is allowed in the following terms:

(i) In the event of the applicants' arrest in CR No.105 of 2024, registered at Jawahar Police Station, Palghar, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required

until the charge sheet is filed.

(iii) The applicants, themselves or through any other persons, shall not tamper with the evidence or influence the witnesses.

6. The application stands disposed of accordingly.

[R. N. Laddha,J.]