

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

ANTICIPATORY BAIL APPLICATION NO. 3370 OF 2024

Rutik Nagesh Landge	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Shirish Gupte, Senior Advocate, Pandit Kasar and Sagar Bhosale for the Applicant.

Mr. Hiten S. Venegavkar, Public Prosecutor a/w Mr. Tanveer Khan, APP for Respondent-State.

Mr. Sachin Shirke, P.I., Bhosari Police Station, Pimpri-Chinchwad.

CORAM: MANISH PITALE, J.
DATE : 17th DECEMBER 2024

P.C. :

. Heard learned Senior Counsel for the applicant and learned Public Prosecutor for the respondent-State.

2. The respondent-State has e-filed its reply affidavit, the original of which is handed over. The same is taken on record. The respondent-State is vehemently opposing any relief to the applicant, considering his conduct and behaviour on the date and time for the incident.

3. The informant in the present case is a lady constable, working with the Maharashtra Police. The allegation is that when she was on duty during a political rally, the applicant along with co-accused person defied specific instructions given by the

informant, while she was on duty. The applicant jumped over a barricade and thereafter, abused the informant while she was on duty, giving rise to the aforesaid FIR and the offences registered against the applicant and the co-accused person. One of the offences pertains to Section 132 of the Bharatiya Nyaya Sanhita, 2023 (BNS), which concerns to use of assault or criminal force against a public servant while discharging duties. The punishment prescribed for the said offence is imprisonment, which may extend up to two years.

4. This Court has perused the contents of the statement that led to registration of the FIR. The allegations do indicate the behaviour and conduct attributed to the applicant, which has led to registration of the said offences.

5. The learned Senior Counsel for the applicant, at the outset, submitted that such conduct cannot be defended and that the applicant is ready to tender an unconditional apology to the lady constable i.e. the informant. It is submitted that no purpose would be served by insisting upon physical custody of the applicant, as he is ready to cooperate with the investigation and in fact, he deeply regrets the incident.

6. The learned Public Prosecutor vehemently opposed the prayer made in the present application. He relied upon the affidavit in reply and he submitted that even after the FIR was registered, the applicant has continued to take such steps that

indicate that he is defiant and seeking to further harass the informant, who is a lady constable. It is submitted that the morale of the Police would be adversely effected, if relief is granted to such an accused person.

7. This Court has considered the rival submissions in the light of the material on record. Although, the allegations made in the statement of the informant, do indicate abrasive and aggressive behaviour on the part of the applicant, there is no allegation of any physical assault or any act on the part of the applicant that would suggest that he physically touched the informant inappropriately. It appears that the specific directions issued by the informant, while on duty, were not only violated, but aggressive behaviour was shown towards the informant.

8. The applicant has expressed deep regret for the incident and he has also undertaken to unconditionally apologise to the first informant i.e. the lady Police Constable. He has also specifically undertaken to cooperate with the investigation and to remain present before the Investigating Officer, if required.

9. In such circumstances, this Court is inclined to allow the application by imposing appropriate conditions on the applicant.

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

(a) In the event the applicant is arrested in connection

with FIR No. 0760 of 2024 dated 18th November 2024 registered at Bhosari Police Station, Dist. Pimpri-Chinchwad, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.

(b) The applicant shall remain present before the Investigating Officer on 19th and 20th December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

(c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses or any other person concerned with the case.

11. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

12. The application is disposed of.

MANISH PITALE, J.