

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.5 OF 2025

Santosh Hanumant Maske

.. Applicant

Versus

State of Maharashtra

.. Respondent.

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- Mr. Gautam Jain, Advocate i/by Mr. Pradeep Salgar for Applicant.
- Mr. Mayur S. Sonavane, APP for Respondent – State of Maharashtra.
- Ms. Jayashri Ramesh Anawane, Assistant Police Inspector, Bhiwandi City Police Station, District – Thane.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 06, 2025

P.C.:

1. Heard Mr. Jain, learned Advocate for Applicant and Mr. Sonavane, learned APP for Respondent – State of Maharashtra.

2. Anticipatory Bail Application is filed by Applicant who is 47 years old and for past 22 years, being working with Bhiwandi Municipal Corporation as Filter Attendant. According to Applicant his primary job involves in attending to complaints with respect to potable water and chlorination of such potable water which is consumed by the public at large. Applicant is required to ascertain and confirm the chlorine level in the potable drinking water consumed by citizens and accordingly required to coordinate with the chlorination plant to confirm the adequacy and sufficiency of chlorine level to be added. In course of his duty, Applicant is required to attend citizens' complaints

also.

3. Mr. Jain would submit that Applicant has prior to the present incident filed several complaints namely two recent complaints dated 31.07.2024 and 24.10.2024 against Complainant and Complainant's accomplice (brother). Copy of the said complaint lodged with Commissioner of the Municipal Corporation for obstruction caused by the Complainant is placed before the Court. I have perused these complaints.

4. He would next submit that in the course of his duty the Applicant attended the place of residence of the Complainant for ascertaining and confirming water levels on 10.12.2024. This was in view of the oral complaint received from Padmanagar within jurisdiction of Municipal Corporation with Respondent living in that area stating that they were not getting adequate drinking water. Thereafter the Applicant visited the chlorination plant for taking the water samples where he met the Complainant and brother who entered into a verbal altercation and thereafter a scuffle with him and assaulted him and tore his clothes.

5. Resultantly, Applicant immediately went to Bhiwandi Police Station and lodged First Information Report (for short '**FIR**') bearing Crime No.1231 of 2024 against Complainant and her brother Mukesh Kishor Sapkale for the aforesaid incident under the provisions of 3(5),

115(2), 132, 324(4) and 351(2) of Bharatiya Nyaya Sanhita, 2023. This FIR is registered at 10:46 p.m. However immediately after one hour thereafter at 11:46 pm, Complainant registered the present FIR with respect to the same incident alleging assault and outraging her modesty by the Applicant as a counter blast to the Applicant's complaint.

6. *Prima facie*, it is a cross complaint registered by the Complainant. The case of Complainant is that in the course of that altercation which occurred, she got hit on her forehead for which she sustained injury and that Applicant tore her clothes and punched on her chest. *Prima facie* from the record it is seen that Complainant is repeatedly attempting to target the workers of the Municipal Corporation as she and her brother could not procure the tender for operating the chlorination plant, therefore leading to such behaviour on her part. Her actions are evident since in July 2024 and October 2024 the Applicant has already documented in writing Complainant's against them to the Municipal Corporation.

7. Be that as it may, that would be subject matter of investigation. *Prima facie* before me I have clear evidence to show that Complainant had indulged in such acts even in the month of July as also October 2024. If at all Complainant was really aggrieved and the incident had indeed taken place, nothing prevented her to approach

the concerned Police Station immediately and lodge the FIR. She chose to wait. She did not file any complaint. The fact that Complainant waited until the FIR was lodged by Applicant against her itself militates against the prosecution case.

8. In view of the above, I am inclined to accept the submissions made by Mr. Jain and allow the present Anticipatory Bail Application in terms of prayer clause (a), however subject to the following terms and conditions:-

- (i) In the event of the arrest, Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.5,000/- with one or two sureties in the like amount;
- (ii) Applicant shall report to the Investigating Officer at concerned Police Station, as and when called for by the Investigating Officer for investigation;
- (iii) Applicant shall furnish particulars of his address and mobile number to the Investigating Officer within one week from today;
- (iv) Applicant shall not misuse his liberty in any manner or influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence; and

(v) It is directed that Applicant shall extend complete cooperation in the investigation of the instant case.

9. Parties to act on a server copy of this order.

10. Anticipatory Bail Application stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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