

**IN THE COURT OF SESSIONS FOR GR.MUMBAI AT DINDOSHI
BORIVALI DIVISION, MUMBAI**

ANTICIPATORY BAIL APPLICATION NO.754/2018

(CNR NO.MHCC05-002792-2018)

Surender Daleram Yadav Applicant.

V/s.

**The State of Maharashtra
(through Borivali Railway police Station) Respondent.**

Advocate Mr.Santosh Pandey for applicant.

APP Mr.Salunke for State.

**CORAM : HIS HONOUR JUDGE
SHRI A.T.WANKHEDE
(C.R. No.14)**

Date : 11th July 2018.

-ORDER-

1 Applicant is apprehending arrest at the hands of Borivali Railway police station in respect of Crime No.1794/2018, for offences punishable u/s 326, 323, 34 of IPC.

2. According to the applicant he is falsely implicated in the offence. In fact he lodged report against the complainant on the very same day of incident on 22.2.18 . To take revenge this complaint is lodged on 11.11.18. He is having no enmity with complainant. Offence u/s 326 of IPC is not applicable. He is a Government employee. He is ready to cooperate with the investigating agency. Hence, prayed for grant of anticipatory bail.

3. The learned APP opposed the application on the ground that applicant assaulted informant and gave slap on his ear, due to which

there was injury caused to the ear and he was permanently sustained hearing impairment. Applicant is absconding from the date of registration of crime. Other accused are to be arrested. Custody of applicant is necessary. Hence, urge to reject the application.

4. Heard learned counsel for applicant and APP. Perused police papers.

5. Applicant/accused is Railway Police Constable. It is alleged that on 22.2.2018 father of Informant had been to Borivali Railway Station having bundle of clothes. Railway T.C. obstructed him and asked to pay fine. That time Railway Police Constable demanded money, but on enquiry it is informed that there is no need to pay money to Constables. Informant was taking video shooting, that time a lady Police Constable snatched phone and asked him to go out. Railway police Constable assaulted father of informant. It is alleged that applicant/accused gave a slap on left ear of informant due to which he sustained injury. He took treatment at JJ Hospital and thereafter at ENT Hospital, Fort, on 24.2.18 wherein it was stated that there is injury to inner part of ear, due to which he sustained hearing impairment. Thereafter, on 11.5.18 informant lodged report to Police Station against applicant and other 3 Railway Police Constables.

6. In fact on 22.2.18 itself, informant lodged report against applicant/accused and serious allegations are made creating disturbance in discharging official duty and also making hush and push to lady Constables. There is delay in lodging report. Applicant/accused are Government employees. Nothing is to be seized or recovered from them. Considering the nature of offence, their

custody for purpose of investigation, do not appears to be necessary. No purpose will be served to send him behind the bar. Rather it will affect his career. As cognizable offence is registered against applicant/accused, his apprehension of arrest is reasonable and bonafide. In such circumstances, he is entitled for pre-arrest bail. Hence ,the order.

ORDER

1. Application is allowed.
- 2 In the event of arrest applicant/accused Surender Daleram Yadav, be released on bail, on his furnishing in P.B. and S.B. of Rs.15,000/- (Rs.Fifteen Thousand only) with one surety of equal amount, in connection with C.R.No.1794/2018, u/sec. 326, 323, 34 of IPC, registered with Borivali Railway Police Station, on following conditions.
 - (i) applicant/accused shall cooperate with investigating agency, particularly attend the concerned police station as and when called by the I.O.
 - (ii) Applicant/accused shall not tamper with prosecution witnesses in any manner.
 - (iii) Applicant/accused shall not commit any such offence, similar to which they are accused.
 - (iv)The applicant/accused shall not leave the Jurisdiction of this Court without prior permission.
 - (v) The applicant is directed to furnish proper local and native address and contact numbers in the format and in hand written form signed by him, to the police.

(vi) On failure to comply any above mentioned conditions, the prosecution is at liberty to apply for cancellation of Bail.

3. A.B.A. No.754/2018 is hereby disposed off accordingly.

11/07/2018

(A. T. Wankhede)
Additional Sessions Judge,
Borivali Division, Dindoshi, Mumbai

Dictated on : 11/07/2018
Transcribed on : 16/08/2018
Signed by HHJ on : 16/08/2018

“CERTIFIED TO BE TRUE AND CORRECT COPY OF the ORIGINAL
SIGNED JUDGEMENT/ORDER.”

Uploaded on:21/08/2018 at:6.15 pm S.G.Steno:Mrs.C.S.Sonawane

Name of the Judge (with Court room no.)	HHJ Shri A.T.Wankhede Court Room no.14
Date of pronouncement of judgment/order:	11/07/2018
Judgment/order signed by P.O. on	16/08/2018
Judgment/order uploaded on	21/08/2018

