

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

**LD/VC/ANTICIPATORY BAIL APPLICATION NO.384 OF 2020**

Anwar Meer Sayyed	..Applicant
Vs.	
State of Maharashtra	..Respondent

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Mr. Pankaj S. Pandey, Advocate for Applicant  
Mr. Suraj Hulke, APP for Respondent/State.

**CORAM : C. V. BHADANG, J.**

**DATE: 27<sup>th</sup> JULY, 2020**

**P.C. :**

. The applicant is seeking anticipatory bail, as the applicant is apprehending arrest in connection with investigation of Crime No.I-407 of 2020 registered with Mumbra Police Station for the offence punishable under Section 353 and 188 of IPC r/w. Section 3 of the Prevention of Contagious Disease Act, 1987 and Section 51(b) of the Disaster Management Act, 2005.

2. I have heard the learned counsel for the applicant and the learned APP for the State.

3. The learned counsel for the applicant submits that the applicant only wanted to know as to what are the particulars of the timing for which the shops were to be kept closed during the lockdown. He submits that except the offence under Section 353 of IPC, all other

offences are bailable. It is submitted that there was no intention to assault or prohibit the public servant from carrying out his duties.

4. Learned APP points out that the applicant had attributed motive to the concerned public servant, saying that he was only attempting to close down the shops belonging to a particular community. It is submitted that the applicant was also instigating other shop owners, to disobey the orders.

5. Learned APP in all fairness did not dispute that looking to the nature of the offence, there is no need for custody for effecting any recovery or for custodial interrogation.

6. I have carefully considered the circumstances and the submissions made.

7. Considering the fact that the custodial interrogation of the applicant is not necessary for effecting any recovery and further having regard to the nature of the allegations in which the public servant concern was allegedly prevented from performing his duties, I find that the discretion can be exercised subject to conditions. Hence, I pass the following order.

### **ORDER**

1. In the event of his arrest in connection with investigation of C.R. No.I-407 of 2020 registered with Mumbra Police Station, the applicant shall be released on

bail on furnishing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

2. The applicant is permitted to deposit cash bail for a period of eight weeks after which the applicant shall furnish P.B. / S.B. Bonds as above.

3. This shall be further subject to the condition that the applicant deposits an amount of Rs.10,000/- with the Maharashtra Police Welfare Fund (A/c No.914010029005759, IFSC Code – UTIB0000060).

4. The applicant shall co-operate with the investigating agency as and when required.

5. The application is disposed of in the aforesaid terms.

**C.V. BHADANG, J.**