

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
LD VC BAIL APPLICATION NO. 29 of 2020

Zafar Jamal Khan .. Applicant
Versus
The State of Maharashtra .. Respondent

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Mr. Siddhesh Samel for the applicant.

Mr. Deepak Thakare, P.P. with Mr. S.V. Gavand, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 5th MAY 2020.

P.C:-

1 An unfortunate act on the part of the applicant resulted into registration of offence against him under Section 188, 269 and section 353 of the IPC read with Section 51(B) of the Disaster Management Act, 2005. On a complaint filed by an official of the Nyay Nagar Police Station who reported that when the team constituted for collecting the data in light of the Pandemic Covid-19, visited the society, the applicant who was present in the society premises created an obstruction and he persuaded the members of the society not to share any information. Some heated arguments took place on the spot. Based on the said incident, the applicant is charged with Sections 353, 188 and 269 of the IPC.

Tilak

2 Perusal of the FIR which, in detail, narrates what transpired on the spot. It does disclose that there was some obstruction on the part of the applicant to the Government Servants who were present on the spot to collect the necessary data. Similarly, there were also certain allegations levelled by the applicant that the information is likely to be misused by the agency and he persuaded the members of the society not to share the information.

3 Perusal of the FIR, however, do not disclose the ingredients of Section 353 being made out which contemplate use of assault or criminal force to deter the public servants from discharge of his duty. Prima facie, reading of the FIR do not make out any ingredients of Section 353 of the IPC which has been invoked and applied against the applicant. As far as the other offences are concerned, including the offence under the Disaster Management Act, 2005 being bailable, the present application seeking bail under Section 439 of the Code of Criminal Procedure deserves to be allowed subject to the following conditions:

ORDER

1 Applicant is directed to be released forthwith, however subject to a caveat. The applicant had behaved in an irresponsible manner and particularly at a time when every citizen of this country is expected to co-operate with those rendering

useful services to prevent the spread of Pandemic Covid-19, he is directed to deposit an amount of Rs.10,000/- in the CM Relief Fund after his release.

2 The receipt of the deposit of the amount should be placed on record within a period of four weeks from today.

3 Failure to deposit the said amount would entail the necessary consequences of recalling of the said order.

4 The learned Public Prosecutor to communicate this order to the concerned authorities.

SMT. BHARATI DANGRE, J