

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.25 OF 2015

Deepak Dattatray Aare	...Applicant
vs.	
State of Maharashtra	...Respondent

Mr. Vijaykumar Garad, Advocate for the Applicant.
Mrs. A.A. Mane, APP for the State.

CORAM : P.D. KODE, J.

DATE : JANUARY 07, 2015

P.C.

. Application for pre arrest bail in connection with C.R. No.400 of 2014 registered with MHB police station, Mumbai for the offences punishable under Sections 354, 323 and 504 of Indian Penal Code.

2. The crime in question is registered upon the F.I.R. lodged by victim woman aged 40 years. Without unnecessarily narrating details from it, it

can be said that it discloses that the applicant was inquiring with the tenants regarding their willingness for going to Shirdi after making contribution. It reveals that thereon a quarrel has ensued. The first informant had intervened in the quarrel and thereafter the applicant has committed an act attributing the provisions of Sections 354, 323 and 504 of Indian Penal Code.

3. The learned counsel for the applicant by inviting attention to the tax invoice at page 18 has submitted that the applicant then was not at the said place and had been to Shirdi on 13-12-2014. Thus, it is contended that as the applicant was not at all the place of incident as alleged by the complainant, and the applicant has earlier lodged complaints against the husband of the complainant, due to it, the complainant has falsely involved the applicant.

4. Upon query the learned counsel for the applicant having submitted that said N.C. complaints were lodged in the year 2008, it is difficult to perceive that because of it after about 4 years the applicant would be falsely involved in this case. With regard to another contention of the applicant being not at the place of incident, the same can not be considered now as it will be required to be investigated and for it and so also for ascertaining genuineness of tax invoice, the custodial interrogation of the applicant may be necessary.

5. The offence is serious nature i.e. sexual assault on woman. Hence, in fact and in circumstances of crime, discretion does not deserve to be exercised in favour of grant of pre arrest bail. Thus, there are no merits in the application.

Application stands rejected.

(P.D. KODE, J.)