

Anand

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

ANTICIPATORY BAIL APPLICATION NO.586 OF 2015

Gurunath Raghunath Khaire .Applicant

V/s.

The State of Maharashtra .Respondent

Mr.Ajay Tripathi, Advocate, for the Applicant
Mrs.S.S.Kaushik, APP, for the Respondent -
State

CORAM : REVATI MOHITE DERE, J.

DATE : 24TH APRIL, 2015

P.C.

. Heard the learned counsel for the applicant and the learned APP for the respondent – State.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R.No.137 of 2015 registered with the Dharavi Police Station, Mumbai, for the alleged offences punishable under Sections 354, 342, 323, 504 r/w.34 of the Indian Penal Code and under Sections 8 & 12 of the Protection of

Children from Sexual Offences Act.

3. The complainant has alleged, that the son of the co-accused Ravi Khaire was stalking her daughter and hence, on two occasions she had complained to Ravi Khaire about the same. She has stated that she did not lodge a complaint against Ravi's son, as he was a juvenile. It is alleged by the complainant, that on 19.03.2015, Ravi's son went and stood outside the common toilet, where her daughter had gone. When her daughter complained about the presence of Ravi's son, the complainant is alleged to have gone and reprimanded Ravi's son about the same. It is alleged that after 15 minutes, Ravi Khaire and his cousins i.e. the present applicant and Vijay entered the house of the complainant and questioned, why his son was reprimanded by the complainant. Ravi is alleged to have uttered filthy words and outraged the modesty of the complainant, by tearing her clothes. It is alleged that the

present applicant and Vijay pulled the complainant's hair. Accordingly, a complaint was lodged with the Dharavi Police Station.

4. The learned counsel for the applicant states that the applicant is working with the BMC and that if he is taken into custody, he will lose his job.

5. Perused the statement of the complainant and the victim-girl. It appears that the main allegations are as against Ravi who not only uttered filthy words, but also outraged the modesty of the complainant, by tearing her clothes. Considering the fact, that the applicant is an employee of the BMC, the present applicant's application is being considered.

6. Accordingly, the applicant is enlarged on bail, in the event of his arrest, on the following terms & conditions;

(i) the applicant be released on bail on his furnishing P.R.Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount on the following conditions;

(ii) The applicant shall attend the Dharavi Police Station, Mumbai on every Sunday between 10.00 a.m. and 12.00 noon till the filing of the charge-sheet;

(iii) The Applicant shall not tamper or attempt to influence the complainant or any persons concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the investigating officer of the Dharavi Police Station, Mumbai;

(v) The applicant shall co-operate in the conduct of the trial;

(vi) If there is a breach of any of the aforesaid conditions, the prosecution shall be at liberty to seek cancellation of the applicant's anticipatory bail.

7. The Anticipatory Bail Application is allowed in the aforesaid terms and is accordingly disposed of.

8. It is made clear, that the observations made herein, are prima facie, for the purpose of deciding this application.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)