

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 635 OF 2015**

Vijaya Ghatе & Anr.	...Applicants
Versus	
The State of Maharashtra	...Respondent

Mr. Yashpal Thakur i/b Mr. Rajesh H. Mirchandani for the Applicants

Ms. S. S. Kaushik, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

THURSDAY, 30th APRIL, 2015

P.C. :

1. Not on Board. Taken on Board.
2. Heard learned Counsel for the applicants and the learned A.P.P for the State.
3. By this application, the applicants seek pre-arrest bail in connection with C.R. No. I-106 of 2015 registered with the APMC Police Station, Navi Mumbai, for the alleged offences punishable under Sections 354, 323, 504 r/w 34 of the Indian Penal Code.

4. Learned Counsel for the applicants submitted that the complainant was working as a clerk with the Central Warehousing Corporation ('CWC'), a Government of India Undertaking from 1999. Learned Counsel for the applicants contended that the CWC, vide office order dated 24th March, 2015, intimated to the complainant and seven other employees, about their transfer from their existing office to the other offices with immediate effect. He submitted that being aggrieved by the said office order, the complainant, instead of approaching the concerned higher authority, approached the office of Shri Ramdas Athawale, the Member of Parliament, Rajya Sabha for revocation or cancellation of the order of transfer. Pursuant to the same, a letter was issued by the concerned Member of Parliament to the Regional Manager Shri R. V. Vishwanath of CWC, requesting him to cancel the transfer of the complainant. The said letter was replied to by the Regional Officer Shri R. V. Vishwanath stating that pursuant to the circular of CWC dated 6th November, 2015, every ten years, an employee/Officer is required to be transferred. Being aggrieved, the complainant is alleged to have gone to the Regional Head Office to meet Shri R. V. Vishwanath, where the present applicants have alleged to have obstructed the complainant from entering the office. It is alleged that

the applicant No. 1, a lady, who was working as a Personal Secretary to the Regional Manager and the applicant No.2 obstructed the complainant from entering the office and are alleged to have abused the complainant and demanded money from her to get the transfer done. It is alleged by the complainant that when she refused to pay the said amount, the applicant No.1 told her that she should go to some hotel with the applicant No. 2 for a day and manage him. He submits that as far as the applicant No. 2 is concerned, there is nothing to show that the applicant No. 2 in any outraged the modesty of the complainant. The applicant No. 1 is a lady and she is alleged to have uttered the said words.

5. Learned Counsel for the applicants states that a false case has been lodged by the complainant, as she was disgruntled with the management. He submits that the complainant instead of approaching the management with her grievance, has tried to bring about political influence.

6. The learned A.P.P states that the investigating officer is not present. However, considering the nature of allegations and the background in which they are made, the custody of the applicants is not required.

Prima facie, it is doubtful whether Section 354 would be attracted to the facts of the case. Rest of the Sections are bailable. Hence, in the event of arrest, the applicants be enlarged on bail, on the following terms and conditions :

ORDER

(i) In the event of the arrest, the applicants be released on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each with one or two sureties in the like amount ;

(ii) The applicants shall attend the APMC Police Station, Navi Mumbai, as and when called for by the Investigating Officer;

(iii) The applicants shall co-operate with the Investigating Agency.

7. The 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 consideration of this application.
9. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.