

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 749 OF 2015

Shantilal J. Jain. ... Applicant.
Versus
The State of Maharashtra ... Respondent.

Mr. Omar K. Shaikh i/b. Mr. Jeetendra H. Mishra, advocate for
Applicant.

Ms. Rutuja Ambekar, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : JUNE 16, 2015

P.C.:

1 Heard the learned Counsel for the applicant and learned APP.
Perused the papers.

2 This is an application under Section 438 of the Code of Criminal
Procedure, 1973. The applicant herein is apprehending his arrest in
Crime No. 192 of 2015 registered at Malad Police Station for offence
punishable under Section 354, 323, 506 read with Section 34 of the
Indian Penal Code.

3 It is the case of the prosecution that on 10/4/2015 the complainant who is working as client relation manager, with one Jay Narendra Bhat had come to the office of the present applicant at Varsha Coop. which was situated Varsha Building 4th floor, Ramchandra Lane, Malad (west). She was sitting in their car whereas her employer had been to the office of the present applicant. At about 3.23 p.m. her employer had called upon her on her cell phone and had informed her that there is some dispute going on between her employer and the present applicant and that she should come to attend the meeting. While she was trying to go to the said office by lift, it is alleged that she was pushed into the lift and that the present applicant had also entered into the lift. Son of the present applicant was also trying to enter into the small lift and at that time she was inappropriately touched by the son of the present applicant.

4 The act attributed to the present applicant is that the present applicant attempted to push her out of the lift by touching her hands.

The applicant happens to be 67 years old businessman. The learned Counsel for the applicant submits that the applicant has been falsely implicated by the present complainant since there was some dispute between her employer and the present applicant. According to the learned Counsel, custodial interrogation would not be imperative.

5 Taking into consideration the recitals of the FIR, papers of investigation and the submissions advanced across the bar, it can be said that the applicant has made out prima facie case for grant of pre-arrest bail.

6 It is made clear that the observations made hereinabove are prima facie in nature. The same shall not be considered while deciding application for discharge or quashing of FIR or at the time of trial. The Trial Court shall proceed on its own merits uninfluenced by the above said observations.

7 Hence, following order is passed :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- and one or two sureties in the like amount.
- (iii) The applicant shall report to the concerned police station as and when called and cooperate with the investigating agency to the best of his capacity.

(SMT. SADHANA S. JADHAV,J)