

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1036 OF 2015

Yogesh Rajendra Khaire	... Applicant
vs.	
The State of Maharashtra	... Respondent

Mr. M.J. Bhatt, for the Applicant.
Mr. J.H. Ramugade, APP for the Respondent-State.

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: AUGUST 14, 2015

P.C.:

. The application is moved for pre-arrest bail as the applicant/accused is apprehending arrest for the offences punishable under Sections 354, 354-D, 323, 504, 506, 427 read with 34 of the Indian Penal Code in C.R. No. I-80 of 2015 registered with Kalamboli police station, Navi Mumbai.

2. It is the case of the complainant Archana Karkhile that there are some transactions in respect of the flat between one

Shailesh Khaire, co-accused and the uncle of the present applicant/accused. She had purchased a flat from Shailesh. However, there was dispute between the complainant and Shailesh about the payment of the said flat. On 25th June, 2015 when she came along with her son in the society, at that time the co-accused Shailesh and the applicant/accused and the wife of co-accused were present. They all started abusing the complainant and quarreling with her. The applicant/accused pushed her. He torn her maxi and touched her breast and thus outraged her modesty. Thereafter, she gave complaint to the police on 26th June, 2015 and the offence was registered.

3. The learned counsel for the applicant/accused submitted that the complainant is a police constable. The applicant/accused is 18 years old boy and he has not committed any offence. He drew my attention to the previous complaint given by the complainant on 27th January, 2015 with Panvel City police station against the co-accused Shailesh and the uncle of the applicant/accused for the offence of rape. However, the complainant withdrew the said complaint. He also relied on her statement recorded in the inquiry held by police officer at the Panvel City police station and submitted that in fact the

complainant and the co-accused Shailesh were having affair. Hence, he prayed for pre arrest bail.

4. The learned prosecutor opposed the pre arrest bail application.

5. Perused the first information report, previous first information report dated 27th January, 2015 and statement of the complainant. Considering the contents in the first information report and the previous complaint, I am inclined to confirm the interim pre arrest bail granted earlier to the applicant/accused.

6. The interim pre arrest bail granted to the applicant/accused earlier on 24th July, 2015 is hereby confirmed on the same terms and conditions.

7. The application is disposed of on the aforesaid terms.

(MRS.MRIDULA BHATKAR, J.)