

Anand

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

ANTICIPATORY BAIL APPLICATION NO.1167 OF 2015

Harish Narsingh Rao Sambha .Applicant

v/s.

The State of Maharashtra & anr. .Respondents

Mr.Rishi Bhuta, Advocate, for the Applicant

Mr.S.H.Yadav, APP, for the Respondent No.1 –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 12.10.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent No.1 –
State.

2. By this application, the applicant
seeks pre-arrest bail in connection with C.R.No.
366 of 2015 registered with the Bandra Police
Station, Mumbai, for the alleged offences
punishable under Sections 328, 376, 384, 506
r/w.34 of the Indian Penal Code.

3. Learned counsel for the applicant, at the outset states that as far as the allegations of Sections 328 & 376 are concerned, the same are not against the applicant but qua the other accused. He submits that the only allegation as against the present applicant in the complaint is with respect to an offence punishable under Section 384 of the Indian Penal Code. He submits that the applicant is falsely implicated in the said case.

4. Learned APP on the instructions of the investigating officer, who is present in Court does not dispute the said fact that the only allegation as against the applicant is under Section 384 of the Indian Penal Code. He submits that there are no allegations of Sections 328 & 376 of the Indian Penal Code qua the applicant.

5. Perused the papers. It appears that the allegation against the applicant is that he threatened the complainant's daughter and threatened to kill her. According to the complainant, as the complainant apprehended danger to the life of her daughter, she did not report the said incident to the police station. Section 384 of the Indian Penal Code is punishable with imprisonment for a term which may extend to three years or with fine or with both. Although the learned APP states that the applicant has antecedents, inasmuch as, there is one NC and two CR's registered against the applicant for the offences punishable under Sections 324 & 506 of the Indian Penal Code, considering that there are no allegations of Sections 328 & 376 against the applicant, the application is allowed and the applicant is granted pre-arrest bail on the following terms & conditions:

ORDER

(i) In the event of the arrest, the applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) The applicant shall attend Bandra Police Station, Mumbai on the 1st & 3rd Saturday between 10.00 a.m. to 12.00 noon for a period of six months from today and thereafter, on the 1st Saturday of every month till the conclusion of the trial;

(iii) The applicant shall not tamper or attempt to influence the complainant, witnesses or any person concerned with the case;

(iv) The applicant shall inform his latest place of residence and mobile contact number forthwith 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 concerned Police Station;

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

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear that the observations made herein are *prima facie* and are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)