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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 242 OF 2016

Sanjay Santosh More ..Applicant.
Vs.
The State of MaharashtraRespondent

Mr. Jehangir M. Khajotia for applicant.
Ms. A.T. Javeri, APP for State.
Mr. Sagar Patil, PSI, Oshiwara Police Station present.

CORAM: A.S. GADKARI, J.

DATE : 25th February 2016.

P.C.

1 Heard learned Counsel for the applicant and the learned APP for State.

2 The applicant is granted interim protection by an order dated 9th February 2016. The learned Counsel for the applicant submitted that even if the contention of the complainant as stated in the FIR is taken to its face value, no offence under Section 354 of IPC is disclosed. He further submitted that most of the part of the FIR proceeds on the basis of either hearsay evidence or information given to the complainant by the other persons. He submitted that no overtact as contemplated under Section 354

of IPC is stated in the said FIR. After perusing the FIR, I find substance in the said contention.

3 The learned Counsel for the applicant further submitted that the police have also invoked Section 19(g) of the Sexual Harassment of Women at Work Place Act, 2013. He submitted that the said complaint was in fact forwarded by the present applicant with the competent authority for enquiry, however, the complainant did not remain present before the said Committee on three occasions. He submitted that as far as the Section 19(g) of the Sexual Harassment of Women at Work Place Act is concerned, there is nothing to investigate by the police in the present crime and the said offence is bailable. In my opinion the applicant has made out a case for grant of pre-arrest bail.

4 The learned APP on instructions submitted that the witnesses in the present crime are not coming forward to give their statements, as they are apprehensive of the threat administered by the applicant herein. The learned Counsel for the applicant on instructions submitted that the applicant has not indulged into any such kind of act and will never indulge in such activity. He on instructions submitted that the applicant will not either influence or extend threats to any of the witnesses whose statements are required to be recorded by the Investigating Agency.

5 In view of the above, following order:-

(i) Interim relief granted by order dated 9.2.2016 is hereby confirmed.

(ii) The applicant is directed to attend the Investigating Officer as and when called for between 11.00 a.m. to 2.00 p.m. till the filing of chargesheet. It is needless to mention that before calling the applicant to police station, the Investigating Officer shall issue notice to the applicant under Section 160 of Cr. P.C.

(iii) The applicant shall not tamper with the evidence or influence the prosecution witnesses and/or extend threats to any of them.

(iv) The application is allowed in the aforesaid terms.

(A.S. GADKARI,J.)