

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

CRIMINAL BAIL APPLICATION NO.1894 OF 2016

Tushar Mohan Gurav. ... Applicant.

Versus

The State of Maharashtra. ... Respondent.

Mr. Raju M. Yamgar, advocate for Applicant.

Mr. Y.M. Nakhwa, APP for State.

**CORAM : SMT. SADHANA S. JADHAV,J
DATE : OCTOBER 6, 2016**

P.C.:

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

2 This is an application under Section 439 of the Code of Criminal Procedure, 1973. The applicant herein is arrested on 19/8/2016 in Crime No. 186/16 registered at Vaduj Police Station on 18/8/2016

for the offence punishable under Section 354, 506 of the Indian Penal Code. The investigation is completed and charge-sheet is filed.

3 It is the case of the prosecution that on 18/8/2016 Mrs. Aishwarya Ganesh Kshirsagar lodged a report at the police station alleging therein that she was married to Ganesh Kshirsagar on 11/11/2012 and was residing at village Vihe, Taluka Patan. It is alleged that the present applicant had obtained her cell phone number from one friend and was sending lewd messages and therefore, she has discontinued the use of that cell phone number. Thereafter, he had called upon the husband of the complainant and informed him that he was in love with her prior to marriage. The husband of the informant had therefore, started harassing and ill-treating her and had dropped her at her maternal house in July, 2016. It is also alleged that on 13/8/2016, the applicant had approached her, caught her hand and had solicited sexual favours. She was scared and therefore, she had not informed about the said

incidence to anybody. On the basis of the said report, offence was registered against the applicant.

4 The learned Counsel for the applicant submits that on 28/7/2016 the applicant had lodged a first information report at Vaduj Police Station alleging therein that one Atul Bapurao Pawar had attempted to extort Rs. 50,000/- from him on the ground that there are reports filed before the Women Commission against him. It is also submitted that on 1st August, 2016 also, the applicant had lodged a report at the police station against Atul Pawar alleging therein that he had been threatened by Atul Pawar that he would be falsely implicated in some case.

5 The compilation of the charge-sheet does not show that there are any CDR details to show that the applicant had called up on the cell phone of the husband of the first informant or send any message to him.

6 Be that as it may, taking into consideration, the nature of allegations, papers of investigation and the fact that the charge is

filed, more particularly, the fact that an offence under section 354 of the Indian Penal Code is punishable for not less than one year but which may extend to 5 years, the applicant deserves to be enlarged on bail on certain conditions.

7 However, it is made clear that the observations made herein above are prima facie in nature and are restricted to the application under section 439 of the Code of Criminal Procedure, 1973. The learned Sessions Judge shall not be influenced by the same at the time of trial.

8 Hence, the following order is passed :

ORDER

- (i) The application is allowed.
- (ii) 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 on 1st and 3rd Sunday of each month till framing of charge.

(iv) The applicant shall not contact the first informant in any manner and shall not tamper with the evidence.

9 The application is disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)