

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

ANTICIPATORY BAIL APPLICATION NO.1875 OF 2016

Mr.Atul Santhram Bali	...Applicant
V/s.	
The State of Maharashtra	...Respondent

Mr.C.K. Pendse i/by Mr. Bakul Bhosale for the Applicant.
Mr.N.B. Patil, APP for Respondent-State.
Mr.Uchkal, P.I., Amboli Police Station.

CORAM : N. W. SAMBRE, J.

DATE : 28th NOVEMBER, 2016.

P.C.

1. The applicant is seeking pre arrest bail in Crime No.369 of 2016 registered with Amboli Police Station, Mumbai for an offences punishable under Sections 354, 354(B), 509 of the Indian Penal Code.

2. The case of the prosecution is that the complainant who came from Ahmedabad in 2015 for taking up the tuition in acting. The present applicant was her tutor. It is claimed that on or about 11th September 2016, the present applicant intentionally tried to touch the body of the complainant outraging her modesty, resulting

in registering of the crime.

3. The contention of the applicant is apart from delay of lodging FIR, the CC Tv footage and other material does not implicate the applicant in the Crime in question.

4. Per contra the learned APP submits that the applicant knowing fully well that the place from where the CC Tv footage are not recordable, he has chosen to commit such place for a commission of crime. It is claimed that since it is an offence against women, the custodial interrogation is necessary.

5. Apart from unexplained delay of lodging FIR, the material as is collected during the investigation particularly such student who are also taking tuition along with applicant has not supported the case of the applicant.

6. Apart from above the perusal of the contents of the FIR in my opinion hardly justifies custodial interrogation. Hence, in the event of arrest the applicant be released on P.R. Bond of Rs.15,000/- with one or two sureties in the like amount.

7. The applicant shall attend the Investigating Officer on 05th, 08th and 13th December 2016 between 10.00 am to 12.00 noon thereafter as and when called for.

8. The applicant shall not tamper with the evidence and/or influence the witnesses in any manner whatsoever.

(N. W. SAMBRE, J.)