

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1370 OF 2016

Bharat Jayvant Parekh

... Applicant

vs.

The State of Maharashtra

...Respondent

.....

Mr. Sushrut Jadhwar for the Applicant.

Ms. M. H. Mhatre, APP for the Respondent-State.

.....

**CORAM : V. M. KANADE AND
Ms. NUTAN D. SARDESSAI, JJ.**

DATE : NOVEMBER 29, 2016

PC.:

1. By this application, the applicant is seeking quashing of criminal complaint filed by respondent no.2 vide C.R. No. 27 of 2016 registered with Tilak Nagar Police Station, Mumbai, for the offence punishable under Section 354 of the Indian Penal Code. It is alleged that while the complainant was proceeding towards P. L. Lokhande Marg, one Honda City car stopped near her and asked her about some address, and thereafter the driver driving the car caught hold of her and tried to force her into the said car.

2. Learned counsel appearing on behalf of the petitioner submits that while granting anticipatory bail, the Sessions Court has observed that the investigation papers revealed that the prosecution made inquiry into the location of the applicant's mobile at the relevant time

and it reveals a different location than the spot of incidence. We are of the view that though the applicant is granted anticipatory bail on the said ground, the same cannot be considered for quashing of the criminal complaint since it is the defence of the accused which would have to be established during trial. We are, therefore, not inclined to interfere with the investigation which is going on. The Criminal Application is dismissed.

(Ms. NUTAN D. SARDESSAI, J.)

(V. M. KANADE, J.)