

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 352 OF 2017

Hrishikesh Ramesh Bodake

.....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Vivek Salunke i/b Mr. Dinesh R. Shinde
Advocate for the Applicant.
Ms. P. P. Shinde APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : 23rd MARCH, 2017.

PC :

1) Heard. This is an application under section 438 of the Code of Criminal Procedure, 1973. Applicant herein is apprehending his arrest in crime no. 275 of 2016 registered at Wada police station on 29/12/2016 for offence punishable under section 354 (A) (B) (D), 500, 506 of the Indian Penal Code and section 8, 12 and 14 of the Protection of Children from Sexual Offences Act, 2012 and section 67 (b) of the Information Technology Act.

2) It is the case of the prosecution that on 29/12/2016, Ms. 'X' lodged a

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report at the police station that on 27/12/2016, her paternal uncle had called her to his house and her uncle had taken her into confidence and informed her that there is obscene video which has gone viral in which the image of the first informant is captured. The video clip was shown to the complainant and at that time, she had disclosed to her uncle that on 27/04/2016, Kunal Bodake had recorded the said video in the car when she was taken forcibly in the car.

3) Kunal happens to be cousin of present applicant. The car which is seen in the video clip is registered in the name of the late father of the present applicant. That at times, Kunal used to use his car since he happened to be his cousin. Soon after the video had gone viral, on 25/12/2016 itself, applicant had questioned Kunal about the incident and had made it clear to him that the registration number of the said car is seen in the video clip. He had also threatened Kunal that he would inform the husband of sister of Kunal. The conversation further indicates that applicant was not concerned with the said incident and he was equally disturbed by the same. The transcript of the said messages is not denied by the prosecution.

4) Taking into consideration the material collected in the course of investigation and the submissions advanced across the bar, this Court is of the opinion that applicant deserves pre-arrest bail. However, it is made clear that observations made herein above are restricted to an application under section 438 of the Code of Criminal Procedure, 1973 and shall not be considered for quashing of F.I.R., discharge application or at the time of trial.

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest, applicant be enlarged on bail on furnishing P.R. bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) Applicant shall report to the concerned police station from 29/03/2017 to 31/03/2017 everyday between 10.30 a.m. to 01.00 p.m.
- (iv) Application stands disposed of.

(SMT. SADHANA S. JADHAV, J.)