

2. It is the case of the prosecution that on 8.2.2017, Ms.`X' lodged a report at the police station in respect of the incident during the period 14.10.2016 to 18.11.2016 alleging therein that the present applicant had indulged into stalking her. It is alleged that her husband had undergone an operation and therefore was prescribed bed rest. That she is a mother of two children who are aged 14 and 7 years old. Everyday at 8 a.m, she used to drive her children to Pinnacle International School at Malad (West) and used to return home at about 8.30. She used to revisit the school for giving tiffin. According to her, on 14.2.2016, one unknown person had tried to

stalk her. However, she did not oblige. On 18.10.2016, when she was returning home, after giving lunch box to her children, the same person had again stalked her. He had then informed her that he desires to give her some important information. At that that ,she was stopped. She was informed that some persons are likely to kidnap her children. He has not given names of the persons who were going to kidnap her children. He had disclosed his name as Deepak. he had also informed that he is a builder by profession. He had continued to contact her on many occasions. He had given his visiting card to the complainant. On 19.10.2016, he had called upon his cellphone. He had invited her to Goregaon Sports Club at about 8.15 p.m.

2A. On 26.10.2016, she had been to Mahim to purchase medicines for her ailing husband. The applicant had followed her in his Scorpio car. He had taken the complainant to Shivaji Park. Two persons had met them and he had introduced the said persons as Amir and Aslam. The said persons had threatened her that they would kidnap her children. At that juncture, th present applicant had told those two persons that she happens to be his girlfriend and therefore they agreed that they would not kidnap. It is then alleged that on 18.11.2016, he had called the complainant to Building Whisper Heights. He had attempted to outrage her modesty. He had indulged into similar act on 10.12.2016. She had informed her husband.

The applicant was called upon by her husband and he had also requested him not to stalk the complainant. On the basis of her report, Crime No.33 of 2017 was registered.

3. The learned counsel for the applicant submits that there is no plausible explanation for the inordinate delay in lodging the FIR. That no harm was done to her children. It is also submitted that the complainant had several opportunities to approach the police. That she had obliged him on several occasions by visiting the places where he had called her and therefore, according to the learned counsel for the applicant, the initiation of criminal proceeding is an after-thought for the reasons best known to the complainant.

4. The learned APP submits that the two persons introduced to her were brought by the applicant and the said threat was extended only to see that the complainant obliges the applicant.

5. Be that as it may, the applicant has no criminal antecedents. The applicant has been in custody for more than one month. Section 354 is a non-bailable offence. However, Section 354 is a non-bailable offence. However, Section 354-A is a bailable offence. The applicant is also charged under Section 354-B which is a non-bailable offence. Section 354-D is a bailable offence. The punishment contemplated for Section 354A of

IPC is not less than three years but which may extend to seven years, whereas the punishment contemplated for Section 354 is not less than one year, but may extend to 5 years. As on today, the investigation is almost completed. There is no eye-witness to the incident neither there is any corroborating material. In view of this, the applicant deserves to be enlarged on bail.

6. The observations are restricted to an application under Section 439 of Cr.P.C. and shall not be taken into consideration for the purpose of quashing of FIR, discharge application or at the time of trial.

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 more local solvent sureties in the like amount.
- (iii) The applicant shall not enter into Malad area till filing of the charge-sheet and shall report to the concerned police station on first Sunday of each month till framing of charge.

Application stands disposed of.

(SMT. SADHANA S.JADHAV, J.)