

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.996 OF 2017

Dhiren Arjun Bhanushali

Applicant

versus

The State of Maharashtra and others

Respondents

Mr.Niranjan Mundargi i/by PR.Paramane for Applicant.

Mr.Arfan Sait, APP, for State.

CORAM : PRAKASH D. NAIK, JJ.

DATE : 13th June 2017

PC :

1. This is an application seeking transit anticipatory bail in connection with the complaint lodged for an offence under Section 354 of Indian Penal Code. Learned advocate for the Applicant submits that he came across a news paper reporting wherein it is mentioned that a complaint has been registered at the instance of Sadhvi Saraswati. The news paper report also mentions that an incident of outraging the modesty of complainant has taken place a month prior to the lodging of first information report. It is further submitted that the Applicant do not have the details of first information report or the CR number. However, in the application it is stated that on 25th May 2017, the Applicant had received a phone call from the Superintendent of Police, Neemuch, Madhya Pradesh. He informed the Applicant that a complaint of molestation has been filed by Sadhvi Saraswati and directed the Applicant to submit himself for interrogation. It is further stated that from 28th May

2017, the Applicant had received several phone calls from person named Antim Pawar, who introduced himself as Police In-charge of Kukdeshwar Police Station, Madhya Pradesh. Mr.Pawar informed the Applicant that a FIR has been filed against the Applicant by Sadhvi Saraswati and the Applicant was asked to attend the police station for investigation and threatened of arrest on failure to attend the police station. Learned advocate for the Applicant submits that it was not possible to get copy of FIR or further details.

2. Learned APP strongly opposed grant of any protection to the Applicant on the ground that there is no apprehension of arrest. He submitted that the Applicant has not mentioned the complaint number or the FIR number in which the Applicant is apprehending arrest. He further submitted that in the absence of any details, granting protection to the Applicant would amount to blanket protection, which should not be granted in favour of Applicant.

3. On going through the news paper report, it appears that some complaint has been registered with Chhindhwada Police Station, Madhya Pradesh. From the averments made in the application also, the Applicant has made out a case of apprehension of arrest. It is submitted that the case is now transferred to Kukdeshwar Police Station. The advocate for the Applicant submits that he may be granted temporary protection with a view to approach the competent Court for seeking appropriate relief. He submits that he is resident of Kopar Khairane, Navi Mumbai and, therefore, he has approached this Court for transit anticipatory bail.

4. In the light of aforesaid circumstances, I am inclined to grant protection to the Applicant for temporary period so that he can approach the competent Court for appropriate relief. Hence, I pass following order :

ORDER

(i) In the event of arrest of the Applicant in connection with complaint lodged by Sadhvi Saraswati for offence under Section 354 of IPC registered with Chhindwada Police Station, Madhya Pradesh, which is presently transferred to Kukdeshwar Police Station, Madhya Pradesh, the Applicant may be released on bail on furnishing P.R. Bond in the sum of Rs.50,000/- with one or more sureties in the like amount;

(ii) This protection is granted for a period of four weeks to enable the Applicant to approach the competent Court for seeking appropriate reliefs;

(iii) The application stands disposed of.

(iv) Parties and all concerned to act on an authenticated copy of this order duly issued by Registry of this Court.

(PRAKASH D. NAIK, J.)

MST