

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1813 OF 2017

BABURAV GOVIND PARAB)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ANR.)...RESPONDENTS

Mr.A.R.Shukla, Advocate for the Applicant.

Ms.PPShinde, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 11th OCTOBER 2017

P.C. :

1 Heard the learned advocate appearing for the applicant / accused.

2 Perused the First Information Report (FIR). The learned advocate appearing for the applicant / accused argued that the applicant / accused is a senior citizen and considering the nature of averments, he is entitled for anticipatory bail. The

learned advocate for the applicant / accused further argued that the applicant / accused is suffering from various ailments and therefore his custodial interrogation is not warranted.

3 I have considered the submissions so advanced and also perused the FIR lodged by Neha Parab. Averments in the FIR made by First Informant Neha are to the effect that she is a resident of Housing Society of which the present applicant / accused is the President. When she was sitting on a bench, in the campus of the society along with her son Sanket on 30th July 2016, at about 10.00 p.m., the present applicant / accused approached her and started questioning her as to why she is sitting on the bench. He started abusing her by stating that the bench is meant for senior citizens. By making obscene gestures, the applicant / accused is stated to have uttered following words “तुझ्या खालचे केस आणि वरचे केस सेम आहेत. तुझ्या गाडीला होल आहे, म्हणून तू बाई आहेस” meaning thereby “Your pubic hair and scalp hair are same. You have a hole in the bottom and only that is why you are a woman.”

4 Averments in the FIR, prima facie, makes out the offence punishable under Section 354 of the IPC, which is a non-bailable one. Considering the nature of utterances uttered by the applicant / accused and addressed to a married woman, no case for grant of anticipatory bail is made out. The offence alleged reflects pervert mentality.

5 The application is, therefore, rejected.

(A. M. BADAR, J.)