

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 258 OF 2018

Satyanarayan Shobhnath Patel

... **Applicant**

V/s.

The State of Maharashtra

... **Respondent**

Mr. J.B. Mishra for the Applicant.

Mrs. J.S. Lohokar, APP for the Respondent/State.

Mr. J.B. Ahirrao, PSI attached to Kalyan Taluka Police Station.

CORAM : A.S.GADKARI, J.

DATE : 12th FEBRUARY, 2018

P.C.:

. The Applicant is apprehending arrest in C.R. No. I-37 of 2018 registered with Kalyan Taluka Police Station, District Thane under Sections 376, 354A, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2 Heard the Learned Counsel for the Applicant, the learned APP and perused the record of investigation.

3 The FIR is lodged by Ms. Lalita Jaiswar.

It is the prosecution case that Ms. Lalita Jaiswar was having an affair with Mr. Suraj Paswan, who was residing in the same vicinity. That, the marriage of the first informant was fixed with Mr. Suraj with the consent of the parents of both the parties. It is stated that the first informant thereafter, on certain

occasions resided with Suraj at a separate place near Khadwali Railway Station. That, the first informant thereafter, became pregnant because of the physical relations with Suraj. It is alleged that on 01.08.2017, Suraj directed the first informant to accompany the Applicant for a period of two days and when the first informant refused to accede the direction of Mr. Suraj, the Applicant who was accompanying Suraj, held the hand of first informant and requested the first informant to accompany him.

4 The perusal of FIR would indicate that the allegation as against the Applicant is as contemplated under Section 354 of Indian Penal Code and apart from the facts mentioned herein above, no other overt act is attributed to him.

5 In view of the above, the Applicant is entitled to be protected by pre-arrest bail.

Hence, the following order.

i) In the event of arrest of the Applicant in C.R. No. I-37 of 2018 registered with Kalyan Taluka Police Station, District Thane, the Applicant shall be released on bail on his furnishing PR Bond of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii) Applicant shall attend the Investigating Officer on 16.02.2018 and 17.02.2018 between 10.00 a.m. to 1.00 p.m. and to join the process of investigation.

iii) Applicant shall thereafter, to attend the Investigating Officer as and

when called for between 10.00 a.m. to 12.00 noon after receipt of notice under Section 160 of Cr.P.C. till the submission of the final report.

iv) Applicant shall not tamper with the evidence and/or pressurize or threaten the prosecution witnesses.

v) Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)