

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

CRI. ANTICIPATORY BAIL APPLICATION NO.1675 OF 2018

Uday Padmakar Sirsat	.. Applicant
Vs.	
State of Maharashtra	.. Respondent

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Mr.Abhishek Deshmukh, Advocate for the Applicant.
Mr.M.G. Patil, APP for the Respondent – State.
Ms.Ware, P.I., Investigating Officer, at BKC Police Station,
present.
Ms.Patil, API, present.

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CORAM : PRAKASH D. NAIK, J.

DATED : AUGUST 24, 2018.

P.C. :

This is an application for anticipatory bail in connection with CR No.6 of 2018, registered with BKC police station on 4th January, 2018. The offences were registered under Sections 354, 354(D), 420, 468, 471, 501, 509, 504 and 506 of the IPC.

2 The applicant preferred application for anticipatory bail before the Sessions Court which is rejected on 2nd August, 2018.

3 The prosecution case is that the complainant is advocate. She is representing wife of the accused in proceedings in Family Court, Bandra. The accused is repeatedly threatening, abusing and sending vulgar messages on mobile phone to complainant. She had filed a complaint vide CR No.14 of 2017, under Sections 509, 504 and 506 of IPC. It is further alleged that the accused is sending vulgar messages and making calls on mobile of sister-in-law, her mother and associate of complainant. It is also alleged that the accused has commented on face-book relating to photograph of complainants relatives and forwarded on E-mail ID of complainant. The accused also forwards the information to his advocate. He has also creates fake message with regards to conversation allegedly between complainant and accused wherein allegedly complainant demanded five lakhs for withdrawing complaint. The accused has also forwarded screen shorts to complainants relatives, police commissioner and produced them in Court. It is further alleged that the accused had created letter head of complainant forged her signature and fabricated notice alleged to have been sent by complainant. He also produced that documents before Family Court.

4 Learned advocate for the applicant submits that the allegations are absolutely false. It is difficult to accept that the applicant would create a fake message, which is allegedly emanated from the mobile phone of the complainant. It is submitted that the proceedings between the applicant and his wife are pending the Family Court, and, at the most, the complainant could have initiated the proceedings under Section 340 of Cr.P.C. Offences under Section 354 is also not made out. He has no criminal antecedents, custodial interrogation is not necessary.

5 Learned APP vehemently opposed the application. The investigation papers were produced before the Court. The accused had allegedly sent messages which were objectionable in nature. It is pointed out by learned APP that the investigation is in progress. It is also submitted that the complainant has also forwarded a message to the Investigating Officer, which is defamatory in nature. It is, thus, submitted that the application be rejected.

6 Having gone through the contents of the FIR and the investigation papers, the complainant has made serious

allegations against the applicant. It is apparent that he had forwarded messages to the complainant. There are several other allegations in the first information report (FIR), which are of serious nature. Taking into consideration the totality of circumstances, the case for grant of anticipatory bail is not made out, and, thus, the application stands rejected.

(PRAKASH D. NAIK, J.)