

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CRIMINAL APPELLATE JURISDICTION****ANTICIPATORY BAIL APPLICATION NO. 2217 OF 2017**

Ajay Motilal Talreja

....Applicant.

Vs.

The State of Maharashtra &amp; Anr.

....Respondents.

Smt. Purnima Bhatia a/w Smt. Asha i/by M.S. Talreja for the Applicant.

Ms. A.A. Takalkar APP, for the Respondent-State.

Mr. Abhishek Shukla for the Intervenor.

**CORAM : A. S. GADKARI, J.****DATE : 5<sup>th</sup> JUNE, 2018.****P.C.:-**

This is an Application under Section 438 of the Code of Criminal Procedure for pre-arrest bail in C.R. No. 614 of 2017 dated 5<sup>th</sup> December, 2017, registered with Andheri Police Station, Mumbai under Sections 354, 354(D) of the Indian Penal Code.

2 By an order dated 21 December 2017, the Applicant was granted interim relief.

3 Heard the learned counsel appearing for the Applicant, the learned counsel appearing for the first informant at length and the

learned APP. Perused the record.

4           The first informant is an advocate by profession. It is alleged that the Applicant got himself acquainted with her. The Applicant and the first informant had telephonic conversation inter-se on various occasions. That, the Applicant thereafter, proposed the first informant for marriage however, the first informant refused the said proposal, as it was an inter-caste marriage. That, on 9<sup>th</sup> October, 2017, when the first informant was at Borivali Court, the Applicant held hand of the first informant and questioned her as to why she is refusing his proposal and quarreled with her. That, on 4<sup>th</sup> December 2017, at about 2.00 p.m. the Applicant followed the first informant in Andheri Court and again questioned her as to why she is not accepting his proposal of marriage. In the premise, the First Information Report is lodged.

5           The learned counsel for the first informant submitted that, the Applicant is constantly harassing the first informant and even after lodgment of FIR, on several occasions, the Applicant obstructed the way of the first informant and had tried to confront her. It further appears from the record that, the first informant has not recorded her supplementary statement before the concerned Investigating Officer

and in the absence thereof, the contention of the first informant cannot be taken note of. It is open for the first informant to approach the concerned Investigating Officer and to record her supplementary statement for the subsequent events, which had taken place after lodgment of the First Information Report.

6           After perusing the FIR, this Court is of the view that, for further investigation of the present crime, the custodial interrogation of the Applicant is not necessary.

However, the Applicant is hereby cautioned that, if any complaint of harassment is received by the Police after passing of the present Order, it can be a ground for cancellation of his anticipatory bail.

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

Hence, the following order-

- a)   In the event of arrest in C.R. No. 614 of 2017 dated 5<sup>th</sup> December, 2017, registered with Andheri Police Station, Mumbai, 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.

- b) The Applicant shall not tamper with the evidence and/or pressurize the prosecution witnesses.
- c) The Applicant, as noted hereinabove, is hereby directed not to contact the first informant and/or cause any sort of harassment to her either personally or through any electronic gadgets.

8 Application is allowed in the aforesaid terms.

**(A.S. GADKARI, J.)**