

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPTORY BAIL APPLICATION NO. 651 OF 2019**

Rajeshkumar Ramsharan Jha	...Applicant
Versus	
State of Maharashtra	...Respondent

**WITH
CRIMINAL APPLICATION NO. 530 OF 2019
IN
ANTICIPTORY BAIL APPLICATION NO. 651 OF 2019**

Neeta Jha	...Intervener/Complainant
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IN THE MATTER BETWEEN :

Rajeshkumar Ramsharan Jha	...Applicant
Versus	
State of Maharashtra	...Respondent

Mr. Ashok M. Saraogi for the Applicant

Mr. S. S. Hulke, A.P.P for the Respondent-State

API Mr. Dnyanoba Indrale from Malwani Police Station, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
MONDAY, 29th JULY 2019

P.C.

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 88 of 2019 registered with the Malwani Police Station, Mumbai, for the alleged offences punishable under Section 354 of the Indian Penal Code and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

3 Learned counsel for the applicant submits that the aforesaid complaint lodged by the applicant's daughter, is false and baseless. He submits that infact, on the date and time of the incident, the applicant was at his business establishment and not at home, as alleged.

4 Learned A.P.P submits that the police have verified the CDR of the applicant and have found that the applicant was not in the said locality i.e. home, when the alleged incident took place.

5 Perused the papers. According to the complainant i.e. victim girl, aged 17 years, her father touched her inappropriately on 19th January 2019 at about 2:00 p.m. *Prima facie*, it appears that the applicant was not in that locality at the relevant time, when the incident took place.

6 Considering the aforesaid, custodial interrogation of the applicant is not warranted. The application is accordingly allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the Investigating Officer of the concerned Police Station as and when called;
- (iii) The applicant shall not contact the complainant, witnesses or any person concerned with the case.

7 The application is accordingly disposed of.

8 It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.

9 In view of the above order, intervention application being Criminal Application No. 530 of 2019 does not survive. The same is accordingly disposed of.

10 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.