

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1149 OF 2019

Mr. Irfan Abdul Gafoor Shaikh	...Applicant
V/s.	
The State of Maharashtra	Respondents

Mr. Ashok M. Saraogi, Advocate for the applicant.

Ms. Rutuja Aambekar, APP for the State.

PSI, Mr. Purshottam Desai, Malvani Police Station present.

CORAM : SANDEEP K. SHINDE, J.

Wednesday, 13th November, 2019.

P.C. :

1. Heard learned Counsel for the applicant and learned APP for State. Officer of the concerned Police Station is present with the investigation record.

2. Apprehending the arrest in C.R. No. 347 of 2019 registered with Malwani Police Station for the offences punishable under Section 354 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act (for short "the POCSO Act"), the applicant has applied for pre-arrest bail.

3. The applicant is an Journalist and also an RTI Activist. He publishes a newspaper called "Loktantra". Besides he runs one News Channel. It is claimed that applicant has lodged complaints against the politician with the Lokayukta and such other agencies. On the backdrop of these facts, the Counsel for the applicant submits that the complaint lodged by the victim is actuated with malice.

4. Mr. Saraogi, the learned Counsel for the applicant has taken me through the averments in the application and the news published in the

Lokatantra at pages-9 to 15. He submits that, this Court after hearing the prosecution, vide order dated 21st May, 2019 by reasoned order afforded him interim protection on certain terms and conditions.

5. Perused the order dated 21st May, 2019 passed by this Court. After perusing the complaint, prima-facie, the complaint appears to be actuated with malice.

6. The application is therefore allowed. In the event of the arrest, the applicant shall be released on the same terms and conditions as imposed by this Court while granting interim protection to the applicant. In addition to these conditions, the applicant shall attend the Police Station as and when required by the I.O.

7. The applicant shall furnish information about his latest place residence and mobile contact number immediately and/or change of residence or mobile details, if any, from time to time to the

Investigating Officer of the concerned Police
Station within seven days from today.

8. The application is disposed off in the
aforesaid terms.

(SANDEEP K. SHINDE, J.)