

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 1711 OF 2019

Mohammed Rafiq Peer Mohammed Bagwan .Applicant

Vs.

The State of Maharashtra .Respondent

Mr. Tariq Khan, Advocate, for the Applicant
Ms Veera Shinde, APP, for the Respondent – State
Mr. D. M. Pardeshi, PSI, Nagpada Police Station, Mumbai present

CORAM : REVATI MOHITE DERE, J.

DATE : 06.09.2019

P.C.

. Heard learned Counsel for the parties.

2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No.521 of 2018, registered with the Nagpada Police Station, Mumbai, for the alleged offences punishable under Sections 354, 341, 506 and 509 of the Indian Penal Code.

3. Learned Counsel for the applicant submitted that taking the complaint as it stands, no offence as alleged under Section 354 of the Indian Penal Code is disclosed, qua the applicant. He submitted that the applicant has been falsely implicated in the aforesaid C.R., as a counter blast to the complaint lodged by the applicant in the Court of the learned

Metropolitan Magistrate as against the complainant and others. Learned Counsel for the applicant has also annexed the applicant's affidavit wherein he has stated that he will not follow or threaten the complainant or her sisters. Learned Counsel for the applicant states on instructions that the applicant will not visit the bar where the complainant is working.

4. Learned counsel for the Applicant states that the Applicant has attended the concerned police station as directed by this Court vide order dated 07.08.2019. Having perused the FIR, prima facie, it is doubtful whether an offence punishable under Section 354 of the Indian Penal Code is disclosed, qua the Applicant. In any event, the Applicant has also filed an Affidavit on the last date stating that he will not follow or contact the Complainant or her sisters.

5. Learned APP on instructions states that the investigating officer will collect the CDR in the said case, as according to the learned counsel for the Applicant, the Applicant was not present at the spot at the time of the alleged incident. Statement accepted.

6. Considering the aforesaid, the interim order dated 07.08.2019 stands confirmed. The Application is allowed and the Applicant is granted pre-arrest bail on the following terms &

conditions :-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail on his furnishing P. R. Bond in the sum of **Rs. 20,000/-**, with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station **as & when called for** by the investigating officer;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.

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

(REVATI MOHITE DERE, J.)