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

ANTICIPATORY BAIL APPLICATION NO.1766 OF 2019

- | | | |
|----|-----------------------------------|----------------|
| 1. | John Kounder | |
| 2. | Susaisagaya Victor John Kounder | ...Applicants |
| | Versus | |
| | The State of Maharashtra and Anr. | ...Respondents |

Ms.Sajida Shaikh, i/b I.A.Shaikh, for the Applicants.

Ms.P.P.Shinde, A.P.P for the Respondent - State.

PSI – Gayatri Bedse, Malvani Police Station, Mumbai, is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 5th SEPTEMBER, 2019

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicants seek pre-arrest bail in connection with C.R. No.620 of 2019, registered with the Malvani Police Station, Mumbai, for the alleged offences punishable under Sections 354, 323, 509 and 34 of the Indian Penal Code.
3. Learned Counsel for the applicants had tendered an undertaking of the applicants, on the last date i.e. on 14th August, 2019. In

the said undertaking the applicants had undertaken that they will not approach or harm or cause any such acts, or deeds which could cause any prejudice to the complainant. The applicants had also undertaken that they will not in any way harm or assault any other witnesses concerned with the case. The said undertaking was taken on record on the last date and marked 'X' for identification.

4. A perusal of the complaint shows that when the complainant had gone to wash her clothes at Ali Talao, while returning three persons standing there, started laughing at her, one of them asked for her mobile number and one of the accused gave her a flying kiss, in the presence of her sister. One of the accused is also alleged to have pulled the complainant's dupatta.

5. Pursuant to the interim order dated 14th August, 2019, the applicants have reported to the concerned Investigating Officer, as directed by this Court.

6. In the peculiar facts of this case, having regard to the undertaking given by the applicants, the custodial interrogation of the applicants is not warranted. The application is accordingly allowed and the

interim protection granted vide order dated 14th August, 2019, stands confirmed on the following terms and conditions :-

ORDER

- (i) In the event of the arrest, the applicants be enlarged on bail on furnishing P.R. Bond in the sum of Rs.10,000/- each, with one or two sureties in the like amount ;
- (ii) The applicants shall report to the Investigating Officer of the concerned Police Station, as and when called, till the filing of the charge-sheet;
- (iii) The applicants shall not contact/threaten the complainant, witnesses or any person concerned with the case;
- (iv) The applicants shall inform their latest place of residence and mobile contact number and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the Investigating Officer of the concerned Police Station, in writing;
- (v) The applicants shall co-operate with the Investigating Agency.

7. The Application is allowed in the aforesaid terms and is accordingly disposed of.
8. It is made clear, that the observations made herein are *prima facie* and are confined to this application.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.