

Dond

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

**ANTICIPATORY BAIL APPLICATION NO.2011 OF 2018
WITH
APPP NO. 1232 OF 2018**

Rahil Parikh

..Applicant

Vs

The State of Maharashtra

..Respondents

Ms. Gayatri Gokhale for the Applicant.

Mr. S.S. Hulke, APP for State.

Mr. Amandeep Singh S. for Intervener.

CORAM : A.S.GADKARI, J.

DATE : 25th March 2019.

P.C.:

1] The applicant is apprehending arrest in CR No.390 of 2018 dated 9.9.2018 registered with Vashi Police Station, Navi Mumbai under Sections 354, 324, 506, 452 read with 34 of the Indian Penal Code.

2] Heard the learned counsel for the applicant, the learned counsel for the Intervener and the learned APP for the State. Perused record of investigation.

3] The first information report is lodged by Ms. Kiran Verma. It is alleged that, she has lodged a crime bearing CR No.234 of 2018 under

sections 376, 420 of Indian Penal Code registered with L.T. Marg Police Station, Mumbai against the accused Dharan Shah. It is the prosecution case that, on 9.9.2018 at about 3.30 a.m to 4.30 a.m. the applicant along two other persons barged into the house of the informant and threatened her to withdraw the compliant lodged against Dharan Shah. The first informant recognized the accused being the friend of Dharan Shah. It is alleged that, one of the said three persons caught her hair and torn her T-Shirt and pant with some instrument. They also threatened her to withdraw the said complaint lodged with L.T. Marg Police Station. In the premise the first information report is lodged.

4] The learned counsel for the applicant submitted that, on the date and time of incident, the applicant had been to his maternal uncle. He submitted that, the CCTV footage pertaining to the said place is also handed over to the Investigating Agency.

5] The record of the present crime indicates that, the Investigating Officer has seized the CCTV footage given by the applicant showing his presence at the place of his maternal uncle i.e. at Khambala Hill, Mumbai. In short the plea of the applicant is of alibi. The Investigating Officer has seized the said CCTV footage which is on a Pendrive and the same has

been taken into custody by effecting panchanama in September 2018. I prima facie find that, there is substance in the contention of the learned counsel for the applicant. The applicant is therefore entitled to be protected by pre-arrest bail.

Hence, the following Order:-

(i) In the event of arrest in CR No. 390 of 2018 registered with Vashi Police Station, Navi Mumbai , the applicant shall be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one or two local sureties in the like amount;

(ii) Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

7] In view of Order passed in A.B.A. No.2011 of 2018, Criminal Application for intervention does not survive and the same is accordingly disposed off.

(A.S.GADKARI, J.)