

Dond

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

ANTICIPATORY BAIL APPLICATION NO.2512 OF 2018

Muthurajan Harries

..Applicant

Vs

The Senior Inspector of Police

..Respondents

Mr. Thekkara Vinod Krishnan Raman a/w Nitin Satpute and Divya Gupte
for the Applicant.

Ms. J.S. Lohokare APP for State.

Mr. S. Pandey for the Intervener.

CORAM : A.S.GADKARI, J.

DATE : 11th April 2019.

P.C.:

1] The applicant is apprehending arrest in CR No. 17 of 2018 dated 18.1.2018 registered with BKC Police Station, Mumbai under sections 354, 354-A, 354-B, 506, 509 of the Indian Penal Code.

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

3] The first information report is lodged by the prosecutrix herself. The prosecutrix is a highly educated woman and was working as Senior Research Assistant in the Department of Nano-Science and Nano-

Technology, University of Mumbai. The applicant was the Principal Investigator of the said project. It is stated that, the applicant under the pretext of extending help in the work and/or giving instructions, inappropriately touched the prosecutrix and on one or two occasions exceeded the said act and caught hold the prosecutrix. That the applicant committed the alleged act from the month of January 2016 to May 2017. It is alleged that, getting fade-up by the said act of the applicant, the prosecutrix had lodged the complaint with the Grievance Redressal Committee of the Mumbai University prior to 4.4.2017. As the said Committee did not conduct the enquiry of the concerned, the prosecutrix had lodged the present crime on 18.1.2018.

4] Prima facie, it appears that, there is a delay of about six months in lodging the present crime. As noted earlier, the prosecutrix is a highly educated woman and was aware of the remedy available under the law. The record of investigation indicates that, the mobile phone of the applicant has been seized by the Investigating Agency and the same is not yet send to the Forensic Science Laboratory for analysis. Prima facie, it appears that, nothing further is to be recovered at the instance of the applicant.

5] In view of the above, the applicant can be protected by pre-arrest bail.

Hence the following Order:-

i] In the event of arrest in CR No. 17 of 2018 registered with the BKC Police Station, Mumbai, the applicant shall be released on bail on his furnishing PR bond in the sum of Rs.25,000/- with one or two solvent local sureties in the like amount.

ii] Applicant shall attend the Investigating Officer as and when called for between 10.00 a.m to 12.00 noon after receipt of a notice in writing from the Investigating Officer and to join the process of investigation till submission of final report.

iii] Applicant shall not tamper with the evidence and/or influence the prosecution witnesses.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)