

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

ANTICIPATORY BAIL APPLICATION NO. 312 OF 2020

Bhaskar Harishchandra Malondkar ...Applicant.
Versus

The State of Maharashtra ...Respondent

.....

R. V. Gupta for the Applicant.
Rutuja Aambekar, APP for the State.
Yogita Jadhav, API, Vishnu Nagar Police Station, Dombivali (w).

.....

CORAM : SANDEEP K. SHINDE, J.

DATE : 5th FEBRUARY, 2020.

P.C.

Heard.

2. The Applicant seeks pre-arrest bail in CR. No. I-257 of 2019 for the offences punishable under Section 354, 354B, 354D, 506 read with 34 of the Indian Penal Code.

3. I have perused the complaint. Allegations against the Applicant *prima facie* do not constitute the offence under Section 354B. The other offences under Sections 354A and 354D are bailable offences. The co-accused against whom the allegation of outraging modesty were made by the Complainant

has been granted pre-arrest bail by the Learned Sessions Judge. On this grant the Applicant seeks pre-arrest bail. Learned APP has relied on the statement of the victim recorded under Section 164 of the Cr.P.C. on 21st January, 2020. I have perused the same. Even in this statement the victim had alleged that the co-accused attempted to outrage her.

4. Learned APP further submits that the Applicant had clicked photographs of the victim and circulated it amongst his group members. It is submitted that the custody of the Applicant is required to recover the photographs of the victim which he had allegedly circulated.

5. After perusing the complaint and the statement of the victim recorded under Section 164 of the Cr.P.C., it may be stated that the allegations against the Applicant *prima facie* do not constitute offence punishable under Section 354B of the Cr.P.C. So far as allegations relating to outraging modesty of the victim are concerned, accusations are against the co-accused who has been released on bail. In view of the facts of the case and the evidence placed before this Court by the prosecution, following order is passed:

ORDER

- i. In the event of arrest of the Applicant in connection with CR. No. I-257 of 2019 registered with Vishnu Nagar Police Station, the Applicant shall be released on bail on furnishing P.R. bond in the sum of Rs. 20,000/- with one or more sureties in the like amount;
 - ii. The Applicant shall surrender his mobile to the Investigating Officer on or before 10th February, 2020;
 - iii. The Applicant shall furnish the particulars of his place of residence and contact details to the Investigating Officer of the concerned Police Station within seven days from today.
 - iv. The Applicant shall not tamper with the evidence or attempt to influence or contact the Complainant, witnesses or any person concerned with the case.
- Application is allowed & disposed off.

(SANDEEP K. SHINDE, J)