

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

ANTICIPATORY BAIL APPLICATION NO.1352 OF 2021

Mr. Rohit Rajesh Dhodi

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

Ms. Riya Pandey i/b Bhati Associates, Advocate for Applicant.

Mr. A. R. Kapadnis, A.P.P. for the State-Respondent.

API Rupali Targe Malad Police Station present.

CORAM : PRAKASH D. NAIK, J.

DATE : 18th JUNE, 2021

PC.

1. The Applicant is apprehending arrest in connection with C.R. No.81 of 2021 registered with Malad Police Station for the offence punishable under Sections 354, 341, 509, 506(2) of Indian Penal Code. The First Information Report was registered on 27.02.2021.

2. The case of the prosecution is that on 27.02.2021 the applicant/accused abused complainant in filthy language and outraged the modesty of the complainant and intimidated her. He also caught hold of the hand of the witness and obstructed her. FIR was registered and investigation proceeded.

3. The applicant had preferred application for anticipatory bail before the Sessions Court. The said application was rejected by order dated 11.03.2021. While rejecting the said application, it was observed that there are specific allegations against the applicant of molestation. He is having criminal antecedents.

4. Learned counsel for the applicant submitted that the applicant is falsely implicated in this case. There are disputes between tenant and the owner. The applicant was also implicated in the false FIR in the past in which relief under Section 438 of Cr.P.C. was granted. The applicant is willing to co-operate with the investigation. The application was rejected primarily on the ground that there are criminal antecedents against the applicant. All those cases were registered on the basis of similar allegations. The applicant had filed suit before the Civil Court. The tenant in the chawl are not allowing applicant and his family members to use the amenities. False FIR has been registered against him.

5. Learned APP submitted that specific overt act has been attributed to the applicant. There are two victims in this case. Three cases were registered against the applicant. Two were registered with Malad police station i.e. C.R. No. 420 of 2013 under Section 420 of IPC and C.R. No.558 of 2019 under Sections 420 read with 34 of IPC and one is registered with Kurar Police Station i.e. C.R. No.323 of 2016 under Sections 376, 420 of IPC and Section 4, 8, 12 of POCSO Act. He further submitted that another FIR was registered against applicant with Uttan Sagari police station vide C.R. No.53 of 2021 for the offence under Sections 328, 354, 354-A of IPC. The conduct of the applicant should be taken note of and no relief under Section 438 of Cr.P.C. be granted to the applicant. There are eye witnesses to the incident and their statements were recorded. It cannot be said that the FIR is concocted.

6. The investigation is in progress. Specific overt act has been attributed to the applicant. There are two victims in this case. The incident is witnessed by the other persons whose statements are recorded. After the registration of the present

FIR, one more case is registered against the applicant. The applicant is involved in three other cases. Considering the factual aspects, no case for grant of anticipatory bail is made out. Hence application is rejected.

(PRAKASH D. NAIK, J.)