

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

ANTICIPATORY BAIL APPLICATION NO.1452 OF 2021

Vishwas David Valvi	 Applicant
Versus	
The State of Maharashtra	 Respondent

Smt. P.U. Badadare, Advocate a/w. Rahul Singh, Pranali Raut
i/b. M/s. Legal Catalyst, for the Applicant.
Mr. H.J. Dedhia, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.
DATE : 19th JULY, 2021
[Through Video Conferencing]

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.177/2021 registered at Kasarvadavali Police Station, Thane on 1.6.2021 under sections 354, 354A, 323, 427, 504, 506, 141, 142, 149, 188, 269, 270, 143 of the Indian Penal Code.
2. Heard Smt P.U. Badadare, learned counsel for the applicant and Shri H.J. Dedhia, learned APP for the State.
3. The FIR is lodged by the victim on 1.6.2021. She has narrated about the dispute in respect of land situate at

village Ovaale, District Thane. On 26.5.2021 at about 2:30 p.m. , the applicant, Yogesh Sonavane and 3 to 4 unknown persons entered into that land and threatened the informant. Thereafter on the next day i.e. on 27.5.2021, both the parties had approached the police station. In the evening again these persons entered into that land forcibly. It is alleged that the applicant threatened her to involve her in a false case. It is mentioned that the accused Yogesh pulled her and passed some derogatory remarks. There are allegations against the present applicant that he also passed some indecent remarks against her. Yogesh pushed her. She fell down. In the incident, her chain was lost somewhere.

4. Learned counsel for the applicant submitted that the allegations against the present applicant are not within the meaning of Section 354 of IPC. At the highest it can be an offence under Section 354-A(iv) of IPC. Said offence is bailable. Therefore, anticipatory bail should be granted to the applicant.

5. She also invited my attention to the FIR lodged by

the applicant vide C.R. No.175/2021 dated 31.5.2021 mainly under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at the same police station. She submitted that therefore the informant's story is not true.

6. Learned APP opposed this application based on the allegations in the FIR.

7. I have considered these submissions. First of all, there is a cross FIR lodged by the applicant immediately on 31.5.2021. The informant in this case had given her FIR on 1.6.2021.

8. Shri Dedhia, learned APP, submitted that the informant in this case had earlier approached the police station but the FIR was not actually registered. Be that as it may, the main contention of learned counsel for the applicant regarding the actual incident is important. As can be seen from the FIR, the main allegations of commission of offence punishable under Section 354 of IPC are directed against Yogesh Sonavane. The role attributed to the present applicant will at the most fall within Section 354-A(iv) of IPC, which is a

bailable offence. In this view of the matter, the applicant can be protected by an order of anticipatory bail. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.177/2021 registered with Kasarvadavali Police Station, Thane, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Anticipatory Bail Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

Deshmane (PS)