

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1658 OF 2021

Gulshan Arif Tase @ Patel .. Applicant

Vs.

The State of Maharashtra .. Respondent

...

Mr. S.V. Marwadi i/b Mr. N.M. Nadar for the Applicant.

Mr. S.H. Yadav, A.P.P. for the State.

Mr. A.S. Kanase, PSI attached to Manor Police Station, Palghar Dist. is present in the Court.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 26TH JULY, 2021.

P.C:-

1. In continuation of the order dated 19/07/2021, learned A.P.P. states that the allegations levelled against the Applicant in the FIR are very specific and by inviting my attention to the complaint dated 10/05/2021, learned A.P.P. states that when the Complainant narrated the incident about her sexual harassment

AJN

by the main accused Maulana Hussain and parting of an amount of Rs.1,10,000/- to the present Applicant, the Applicant disclosed to her that she herself had filmed the video and she showed her the photographs and videos in her mobile. This is the specific allegation, which is levelled against the present Applicant in the FIR.

2. In the order passed by the Additional Sessions Judge in case of Maulana Hussain, the court has recorded that there is no direct allegation of rape on the informant and she has stated that she was unconscious and not aware as to what happened to her body. Coupled with the fact that there is no specific date when the alleged incident had taken place and there is a delay in lodging the FIR as also his mobile phone has been seized, he came to be released on regular bail.

3. Learned A.P.P. has invited my attention to the antecedents of the Applicant and Mr. Marwadi himself has placed on record an order passed in Anticipatory Bail Application preferred by her in an offence registered with Kashimira Police Station under Sections 387, 447, 143, 147, 148, 149 and 427 of the IPC. When asked, whether the Applicant is involved in similar nature of offences being part of any sexual racket, learned A.P.P. conceded that she is not involved in such type of offences earlier.

4. In the wake of the allegations in the FIR being vague and

general in nature and the role attributed to the present Applicant is only of filming the alleged act of sexual harassment on the Complainant in her mobile phone, the custodial interrogation of the Applicant is not warranted. Further, the main accused, who is alleged of sexual assault is already released on bail. Mr. Marwadi assured on behalf of the Applicant that on the next date of her attendance in the police station, she will tender her mobile phone, wherein it is alleged that the recording and photos of the Complainant and the main accused are stored. The Applicant shall continue to cooperate with the investigation by reporting to the Investigating Officer on every Thursday for a period of four weeks and thereafter as and when called for. Hence, the following order:

ORDER

- (a) In the event of arrest, the Applicant – **Gulshan Arif Tase @ Patel**, shall be released on bail in C.R. No.94 of 2021 registered with Manor Police Station, District Palghar on executing P.R. bond to the extent of Rs.25,000/- and furnishing one or two sureties of the like amount.
- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.

- (c) The Applicant shall attend to the Manor Police Station every Thursday between 10.00 a.m. and 1.00 p.m. for four weeks and, thereafter, as and when called for by the Investigating Officer.
- (d) The Applicant shall, on her first attendance to the police station, surrender her mobile phone where the recording of the alleged sexual act of the main accused and the Complainant is recorded, to the Investigating Officer.

5. The Application is allowed in the aforestated terms.

6. All parties are directed to act on the downloaded copy of the order supplied by the Advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]