

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 843 OF 2020

Mallikarjun Saybanna Poojari ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Aniket U. Nikam a/w Mr. Piyush Toshinval a/w Mr. Amit Icham
i/b Mr. Aashish Satpute, Advocate for the Applicant.

Ms. M. R. Tidke, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th FEBRUARY, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. I-260 of 2020 registered with Koparkhairne Police Station, Navi Mumbai for offences under Sections 354, 323, 500, 504, 506 & 509 of Indian Penal Code.

2. The case of the complainant is that in 2013 the applicant had financial transaction with the husband of complainant. The applicant had taken money from the complainant's husband and he was avoiding to make payment. On 2nd November, 2020 at about 5.30 p.m. the complainant had visited the office of applicant, she was abused and assaulted. The accused committed the act amounting to outraging her modesty. The FIR was lodged on 5th November, 2020.

Manish
S. Thatte

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Date: 2021.02.15
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3. Learned advocate for the applicant submitted that on account of hostility false FIR has been lodged. There is delay in lodging the FIR. The C.C.T.V. camera installed outside the office of the complainant indicate that she has left the office of the applicant and her demeanor doesn't show that she was subjected to such assault. The C.C.T.V. footage has been handed over to the investigating officer. The applicant is willing to cooperate with the investigation.

4. Learned APP submitted that complainant sustained injuries on her person. She was medically examined by Navi Mumbai Municipal Corporation Hospital. The alleged incident had occurred on 2nd November, 2020. The FIR was lodged on 5th November, 2020. The applicant has also lodged the complaint which was treated as N.C. Complaint on 2nd November, 2020. Except Section 354 all the offences were bailable in nature. Considering the factual aspects of the case, interim protection was granted to the applicant by order dated 8th December, 2020 can be confirmed. Hence, I pass the following order:

ORDER

- (i) Anticipatory Bail Application No. 843 of 2020 is allowed;

(ii) Interim order dated 8th December, 2020 stands confirmed.

(iii) In the event of arrest of the applicant in connection with in C.R. No. I-260 of 2020 registered with Koparkhairne Police Station, Navi Mumbai the applicant be released on bail on executing P. R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

(iv) The applicant shall furnish particulars of his residential address as well as permanent address and contact details to the Investigating Officer forthwith;

(v) The applicant shall cooperate in the investigation and report to the investigating Officer as and when called for;

(vi) The applicant shall not tamper with the evidence or attempt to influence or the contact the complainant, witnesses, or any person concerned with the case;

(vii) Anticipatory Bail Application stands disposed of accordingly.

5. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)