

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.988 OF 2020

Nilesh Baban Harad

Applicant

versus

The State of Maharashtra

Respondent

Mr.Mr.U.P.Warunjikar with Mr.Vishal Nimbalkar, Pandurang Pawar, Sagar Mukadam, Sushant Tangadi for applicant.

Mr.Y.M.Nakhwa, APP, for State.

Mr.R.G.Madke, PHC, Kinhavali Police Station, present.

CORAM : PRAKASH D. NAIK, J.

DATE : 13th January 2021

PC :

1. The applicant is seeking anticipatory bail in CR No.I-0268 of 2020 registered at Kinhawali Police Station, Shahapur, District Thane, for offences punishable under Sections 354 and 452 of Indian Penal Code. The FIR alleges that the applicant had outraged modesty of complainant after entering into her house.

2. It is contended that the applicant has been falsely implicated in this case. The mother of applicant had lodged a complaint against husband of the first informant on 29th November 2020. Custodial interrogation of the applicant is not necessary. The applicant is student having no criminal antecedents.

3. Learned APP submitted that there are eye witnesses to the incident. Custody of the applicant is required.

4. While granting interim protection vide order dated 17th December 2020, this Court had observed that primary evaluation of the allegations suggest that custodial interrogation of the applicant is not required. However, it was directed that the applicant shall not occupy the house which is adjacent to the house of complainant and shall live at some other place in the Thane District. Learned counsel for applicant submitted that pursuant to the aforesaid order, the applicant has been residing in Thane. However, family of applicant is residing at Kinhavali. Learned APP submits that stringent condition of staying away should be continued till conclusion of trial.

5. Considering the factual aspects of the matter and observations made in the earlier order dated 17th December 2020, case for allowing this application is made out. Hence, I pass following order:

ORDER

- (i) Criminal Anticipatory Application No.988 of 2020 is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.I-0268 of 2020 registered with Kinhawali Police Station, Shahapur, the applicant be released on bail on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- (iii) Till filing of charge sheet the applicant shall continue to stay at Thane. Thereafter the applicant can stay at his residence at Kinhawali, however, he shall not enter into the vicinity of the complainant;
- (iv) After a period of six months, the applicant shall attend Kinhawali Police Station once in a month on every first Saturday of

the month between 11.00 am and 1.00 pm till further orders.

6. This order will be digitally signed by the Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(PRAKASH D. NAIK, J.)

MST