

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

ANTICIPATORY BAIL APPLICATION NO.1042 OF 2020

Manoj Kumar Nayak

.. Applicant

Vs.

The State Of Maharashtra

.. Respondent

.....
Mr. Pankaj Dwivedi, Advocate for Applicant.

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

CORAM : PRAKASH D. NAIK, J.

DATE : 23rd FEBRUARY, 2021

PC.

Arjun
M.
Kadam

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1. The Applicant is seeking anticipatory bail in connection with C.R. No.738 of 2020 registered at M.I.D.C. Police Station, Mumbai, under Sections 354, 509, 323 and 506 of the Indian Penal Code (for short "IPC").

2. The first informant has lodged her First Information Report (for short F.I.R.) on 22/10/2020 on the allegations that the applicant had entered into a financial transaction with the informant for selling one room. Even after receiving the money the room was not given to the informant. The informant was repeatedly asking the applicant to give her room or her money. On 22/10/2020 at about 1.00 p.m. the informant along with her daughter-law and niece went to the officer of the applicant. It is alleged that the applicant

abused them and pushed them out of his office. At that time, the applicant outraged modesty of the informant's niece.

3. Heard Shri. Pankaj Dwivedi, learned counsel for the applicant and Mr. A. R. Kapadnis, learned APP for the State.

4. The learned counsel for the applicant submitted that, the applicant himself has lodged F.I.R. vide C.R. No.739 of 2020 on the same day at M.I.D.C. Police Station U/s. 324, 504 and 506 r/w. 34 of the IPC against the first informant. He submitted that the entire incident is captured in the CCTV footages, as well as, in the recording carried out by one of the employees of the applicant. Nothing, as alleged in the F.I.R., had taken place and in fact the applicant himself was assaulted and has suffered injuries. It is submitted that, the applicant had appeared before Investigating officer for tendering the video recording, CCTV footages/ Pen drive with regard to the incident.

5. Learned APP, on instructions from the officer present in the Court, submitted that the video recording does not indicate that any incident as alleged with regard to outraging modesty had occurred. In these circumstances, the ad-interim protection granted to the applicant can be confirmed. Interim order dated 22nd December, 2020 is confirmed. Hence, the following order:-

ORDER

(i) In the event of arrest of the applicant in connection with C.R.

No. 738 of 2020 registered at M.I.D.C. Police Station, Mumbai, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

- (ii) The applicant shall appear before the Investigating Officer as and when called for.

6. Application is disposed of accordingly.

(PRAKASH D. NAIK, J.)