

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1090 OF 2020

Gorakh Sarjerao Salunkhe	Applicant
versus	
The State of Maharashtra	Respondent

WITH
INTERIM APPLICATION (STAMP) NO.2771 OF 2021

Manisha Maruti Gaikwad	Intervenor
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In the matter between :

Gorakh Sarjerao Salunkhe	Applicant
versus	
The State of Maharashtra	Respondent

Mr.Sachin Punde i/by Adv.S.R.Ketkar for applicant.
Mr.Karl P. Rustomkhan with Vaibhav N. Jagtap for complainant.
Mrs.M.R.Tidke, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 9th February 2021

PC :

1. The applicant is apprehending arrest in CR No.312 of 2020 registered with Nerul Police Station, Navi Mumbai for offences under Sections 452, 354, 323, 504, 506 r/w 34 of Indian Penal Code.

2. The FIR was lodged on 5th November 2020. It is alleged that the complainant had visited her parental home at Nerul on 5th November 2020. While she was at her parents home, the applicant, another person Bajrang Chavan and one unknown person visited her parents house. The accused enquired about whereabouts of

Shashikant Jagtap to the brother of complainant. They threatened the complainant. The accused outraged modesty of the complainant. Her clothes were torn. She was assaulted and intimidated.

3. The contention of applicant is that the complaint is false. There are financial transactions between the applicant and the brother of complainant. The offence u/s 452 is not made out as the applicant had visited the house to claim his dues. The allegations of outraging modesty were concocted and applicant has been falsely implicated in the case.

4. Learned APP submitted that specific overt act amounting to offence as above, is attributed to the applicant. The person who was accompanying the applicant namely Bajrang Chavan is eye witness to the incident. His statement has been recorded.

5. Learned counsel for intervenor submitted that the act attributed to the applicant clearly spells out offence u/s 452. The offence is of serious nature. Assuming that there are financial transactions, the accused has no right to commit such act.

6. From the documents produced by learned counsel for applicant it is apparent that there are financial transactions between applicant and brother of complainant. It appears that the applicant was claiming dues from the complainant's brother. It is not disputed that there are financial transactions between applicant and complainant's brother. The applicant had allegedly visited the premises where the complainant's brother is residing. The possibility of false implication cannot be ruled out. Considering the factual

matrix, the applicant need not be subjected to custodial interrogation. Hence, I pass following order :

ORDER

- (i) Anticipatory Bail Application is allowed and disposed of;
- (ii) In the event of arrest of applicant in connection with CR No.312 of 2020 registered with Nerul Police Station, Navi Mumbai, the applicant be released on bail on his executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report the Investigating Officer as and when called for till filing of charge sheet;
- (iv) Interim Application is disposed of.

7. 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