

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

ANTICIPATORY BAIL APPLICATION NO. 2071 F 2021

Mohammed Anis Qureshi ... Applicant

Versus

The State of Maharashtra ... Respondent

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Mr. Yasin L. Kapadia i/by Mr. Firoz Shaikh, Advocate for the Applicant.

Mr. S. R. Agarkar, APP for the Respondent – State.

Mr. S. S. Patil (P. S. I.) Mumbra Police Station, Dist. Thane, Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 7th SEPTEMBER, 2021

PER COURT:

1. This is an application for anticipatory bail in C.R. No. 586 of 2021 registered with Mumbra Police Station, Dist. Thane on 18th June, 2021 for offences under Sections 354, 323, 504 r/w Section 34 of Indian Penal Code (for short “IPC”).

2. The case of the complainant is that the applicant and co-accused are her neighbours. On 3rd May, 2021, there was quarrel between them on account of placing the water-drum in front of the house. The applicant and his wife were allegedly involved in the quarrel. The wife of the applicant had allegedly abused and assaulted. The applicant has allegedly touched the chest of complainant and committed the offence of outraging the modesty.

Although the incident had occurred on 3rd May, 2021, the First Information Report (for short 'FIR') has been registered on 18th June, 2021. The FIR however indicate that the complainant has forwarded her complaint to various authorities including the Commissioner of Police and in that regard the statement of the complainant was recorded on 3rd May, 2021 leading to registration of FIR.

3. The contention of the applicant is that, he has been falsely implicated in this case. There is inordinate delay in lodging the FIR. The complainant had not approached the local Police Station immediately after the incident. The allegation of outraging the modesty is after thought and concocted. Several complaints were filed by the applicant against the complainant. The mother of complainant is working in police department.

4. Learned APP submitted that the investigation is in progress. The FIR was registered pursuant to the complaint forwarded by the complainant to the Commissioner of Police and other authorities.

5. It is not clear why the complaint was not lodged immediately with the local Police Station. The order of the learned Sessions Judge refers to N.C. complaint No. 2532 of 2021 being

filed against the applicant and another with the same Police Station for offences under Sections 324, 504 & 506 of IPC. Considering the nature of offences registered it is apparent that there were no allegations of the offence under Section 354 of IPC which were spelt out in the FIR dated 18th June, 2021.

6. Considering the factual aspects of this matter, the applicant need not be subjected to custodial interrogation and case for allowing this application is made out.

7. Hence, I pass the following order:

ORDER

(i) Anticipatory Bail Application No. 2071 of 2021 is allowed;

(ii) In the event of arrest of the applicant in connection with in C.R. No. 586 of 2021 registered with Mumbra Police Station, Dist. Thane, 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;

(iii) The applicant shall attend the investigating officer on 15th, 16th & 17th September, 2021 between 11.00 a.m. to 1.00 noon.

(iv) Anticipatory Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)