

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 2136 OF 2019

Murti Silvaraj Harijan .Applicant

Vs.

The State of Maharashtra .Respondent

None for the Applicant

Ms Pallavi Dabholkar, APP, for the Respondent – State

Mr. Anil Jadhav, Head Constable present

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 06.08.2021

(THROUGH VIDEO CONFERENCING)

P. C.

. This is an Application under Section 438 of the Code of Criminal Procedure, 1973, filed by the Applicant apprehending his arrest in Crime No. 257 of 2019 registered with the Samta Nagar Police Station, Mumbai for the offences punishable under Sections 354, 354A, 341, 506(2), 509, 324 r/w. 34 of the Indian Penal Code, Sections 8 and 12 of the Protection of Children from Sexual offences Act (for short 'POCSO') and Sections 37(1) & 135 of the Maharashtra Police Act.

2. The aforesaid crime was registered pursuant to the First Information Report lodged by Smt. Bindu Vishwakarma. She had alleged that on 09.06.2019, the Applicant and the two other co-accused abused and criminally intimidated her. She has stated that later on the same date, when she and her daughter were returning home, the Applicant and the other co-accused once again abused and threatened her. The co-accused i. e. daughter of the Applicant pulled the hair of her daughter and the present Applicant tore her gown and thereby outraged her modesty.

3. The record prima facie reveals that the daughter of the first informant had filed a separate complaint against this Applicant, in respect of the incident dated 09.06.2019, which was registered as N. C. Complaint. It has also to be noted that in the B. A. No. 2110 of 2017, this Court (Coram : Smt. Sadhana S. Jadhav, J.) by order dated 30.11.2018 had granted regular bail to the Applicant and had further directed not to reside in Mumbai and Navi Mumbai till the conclusion of the trial except for the dates before the Sessions Court at Dindoshi. There is no material

to indicate that the Applicant had violated the said condition. Hence, prima facie, the presence of the Applicant at place of the incident on the date alleged incident appears to be doubtful.

4. It is also pertinent to note that by order dated 01.10.2019, this Court (Coram : Revati Mohite Dere, J.) had granted interim protection to the Applicant with directions to report to the investigating officer on the dates specified in the order. It is stated that the Applicant had complied with the said condition. Learned APP states that investigation has been completed and that charge-sheet is filed. She further states that the presence of the Applicant is not required for custodial interrogation.

5. Having regard to the facts and circumstances, the Application is allowed on the following terms and conditions :-

O R D E R

(i) In the event of arrest of the Applicant in C. R. No. 257 of 2019 registered with the Samta Nagar Police Station, Mumbai, he be enlarged on bail on furnishing P. R. Bond in the sum of Rs.

10,000/- each with one or two sureties in the like amount;

(ii) The Applicant shall furnish his current address and mobile contact numbers and / or change of residence or mobile details, if any, to the investigating officer;

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case.

6. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)