

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

ANTICIPATORY BAIL APPLICATION NO. 1001 OF 2022

Mahendra Shankar Mane

.. Applicant

Versus

State of Maharashtra

.. Respondent

Mr. Kuldeep U. Nikam a/w Mr. Prasad Avhad, Advocate for the Applicant.
Ms M. R. Tidke, APP for the Respondent-State.

CORAM : VINAY JOSHI, J.

DATE : 19th APRIL, 2022.

P.C. :

. Heard.

2. In anticipation of arrest in Crime No. 177 of 2022 registered with Satara City Police Station, District Satara, for the offences punishable under Sections 354 and 354(D)(2) of the India Penal Code, the applicant is praying for pre-arrest protection.

3. It is the prosecution case that on 07th March, 2022, the applicant had outraged modesty of the Informant lady. The lady reported that she had old acquaintance with the applicant, who called her to meet at some places at Satara from Pune. Accordingly, the Informant went to the said place, where the applicant asked her to accompany, but as she refused, he pulled her

closer and outraged her modesty.

4. The applicant's learned Counsel specifically denied the occurrence by contending that at the most it could be consensual act. He has pointed out that after four days from the occurrence the same Informant has filed another report against applicant alleging the case of rape. He has produced a copy of order passed by the Sessions Court indicating that in later offence, pre-arrest protection has been granted.

5. The Informant is 31 years old lady. As per her own case, she went to Satara from Pune at the instance of the applicant. She herself says that she was in talking terms and meeting with the applicant. The alleged offence is punishable with imprisonment which may extend up to five years. The prosecution could not point out any substantial reason for having custodial interrogation. Having regard to the nature of accusation, nothing is to be seized at the instance of the applicant. The trial Court while rejecting the application has expressed that during the interim protection, the applicant though directed to attend the Police Station he did not. A care can be taken to that effect by imposing necessary conditions. The applicant has made out a case for grant of pre-arrest protection. Hence, following order:

ORDER

- i) In the event of arrest of the Applicant Mahendra Shankar Mane, in crime No. 177 of 2022, registered at Satara City Police Station, District Satara for the offences punishable under Sections 354 and 354(D)(2) of the India Penal Code, he be released on bail on his furnishing P.R. bond of Rs.25,000/- with one or two

sureties in the like amount.

ii) The Applicant shall attend concerned Police Station on every Sunday and Wednesday between 10:00 a.m. to 12:00 noon till filing of charge-sheet or for the period of sixty days, whichever is earlier.

iii) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

iv) The Applicant's single default in attending the Police Station would give rise to the prosecution to move this Court for cancellation of bail.

v) The Anticipatory Bail Application is disposed of in above terms.

(VINAY JOSHI, J.)