

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.488 OF 2022

Arbaz Wajid Ali Khan] ... Applicant

Vs.

The State of Maharashtra & Anr.] ... Respondents

...

Mr. Mohamed Ahmad i/b Mr. Javed A. Khan for the applicant.

Ms. Rutuja Ambekar, A.P.P. for the State.

Mr. Sandeep Chavan, PSI attached to the Sakinaka Police Station is present in the Court.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 02ND MARCH, 2022.

P.C. :-

1. The applicant is apprehending his arrest in C.R. No.0176 of 2022 registered with Sakinaka Police Station, Mumbai, invoking Section 354, 354-D, 323, 506, 509 of the Indian Penal Code read with Section 12 of the Protection of Children from Sexual Offences Act.

2. When the complaint filed by the father of the victim girl, aged 16 years and 5 months, is perused, it refers to the grievance made by his daughter to him about she being stalked by the applicant. She narrated an incident dated 04/02/2022, when the applicant passed indecent comments upon her and also held her hand and, somehow she managed to freed herself and came home weeping. The aforesaid incident resulted in the complaint being lodged, invoking Sections 354 and 354-D of the IPC.

Section 354 of the IPC, which makes an act of assault or criminal use of force to woman with intent to outrage her modesty or knowing it would outrage her modesty, is made punishable with imprisonment for a term not less than one year, but which may extend to five years. As far as 354-D of the IPC is concerned, which is an offence of stalking a woman, the punishment shall be the imprisonment, which may extend to three years on conviction for the first time, and on subsequent conviction, the term of imprisonment may extend to five years. Considering the accusations faced by the applicant, who is a young boy, aged 18 years and, who takes a defence that the victim girl, who is aged 16 years and himself are of the same age and residing at the same colony, there was a friendship between them.

3. In wake of the accusations and defence of the applicnat, particularly when he is a young lad, the custodial interrogation of the applicant is not warranted. Subject to the stipulation that the

applicant shall render his co-operation to the Investigating Officer in the investigation of the offence, he is entitled to be released on bail with a specific condition being imposed that if he indulges with the daughter of the complainant, in any manner, he shall be deprived of his liberty.

ORDER

- (a) In the event of arrest, the applicant – **Arbaz Wajid Ali Khan**, shall be released on bail in C.R. No.0176 of 2022 registered with Sakinaka Police Station, District Mumbai on executing P.R. bond to the extent of Rs.20,000/- and furnishing one or two sureties of the like amount.
- (b) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case and shall not tamper with prosecution evidence.
- (c) The applicant shall report to the Sakinaka Police Station on 08/03/2022 and 11/03/2022 between 10.00 a.m. and 02.00 p.m. and, thereafter, as and when called by the Investigating Officer.

4. Any attempt on the part of the applicant to indulge in similar acts in future, with which he is accused of, shall entitle the

complainant and the prosecution to apply for cancellation of the above protection.

5. The anticipatory bail application is allowed in the aforestated terms.

6. All parties are directed to act on the downloaded copy of the order supplied by the advocate under his seal and signature.

[SMT. BHARATI DANGRE, J.]