

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

ANTICIPATORY BAIL APPLICATION NO. 1186 OF 2022

Raju Motiram Mahadik ..Applicant

v/s.

The State of Maharashtra . ..Respondent

Mr. Aniket Vagal for the Applicant.

Mr. M.G.Patil, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 29th APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. for pre-arrest bail in C.R.No.I-128 of 2022 registered with Manpada Police Station, Dombivali, for offences under Section 354, 354A, 323, 509, 506 r/w. 34 of Indian Penal Code.

2. Heard Mr.Vagal, learned Counsel for the Applicant and Mr. Patil, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by Kusum Samiruddin Khan @ Kusum HasmukhJain. A perusal of the FIR reveals that on 15.02.2022, the Complainant, her husband, and her friend Karan and some others, including the Applicant herein had gone to Vijay Sagar Hotel to celebrate the birthday of her friend Gudiya. At about 00.30 hours, there was some altercation between the Applicant and said Karan. The Applicant thereafter went out of the hotel angrily and

Gudiya followed him to pacify him. When the Complainant went out to call Gudiya, the Applicant abused her in filthy words and pushed her. She has stated that the Applicant also hit her on her chest and kicked her on her private parts. She has stated that her husband, who had come to the spot of the incident, was assaulted by the co-accused. It appears that for some reason the party turned into a brawl and the Applicant was hit in the melee. Whether the accused had hit her on the chest or kicked her on her private parts with an intention to outrage or knowing that it was likely to outrage her modesty, is a question which needs to be decided on merits of the matter.

4. Considering the accusation made against the Applicant, in my considered view, this is not a case which would justify custodial interrogation. Hence the Application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in C.R.No.I-128 of 2022 registered with Manpada Police Station, Dombivali, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.
- (ii) The Applicant shall report to the Investigating Officer for two days on 2nd and 3rd May, 2022 from 11.00 a.m. to 2.00 p.m. Before the Investigating Officer for the purpose of investigation and interrogation.

- (iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.
- (iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.
- (v) The Applicant shall not interfere with the complainant and the other witnesses in any manner.

PRASANNA P
SALGAONKAR

Digitally signed
by PRASANNA
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SALGAONKAR
Date:
2022.04.29
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(ANUJA PRABHUDESSAI, J.)