

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1425 of 2022
(corrected as per order dated 14/6/2022)

Munesh Chand Meena .. Applicant
Versus
The State of Maharashtra .. Respondent
...

Mr.Akhilak Abbas Khan for the applicant.
Mr. A.A. Palkar, APP for the State.

CORAM: BHARATI DANGRE, J.
DATED : 14th JUNE, 2022

P.C:-

1 The applicant is apprehending his arrest in C.R.No.0031/2022 registered with Karjat Railway police station, Thane, on 22/3/2022 at the instance of the complainant, who was a passenger travelling in Nizamuddin Pune Durgam Express No.12264, on A-1 berth. She allege that while she was asleep on the berth with her child at around 11.30 p.m, in the night, she could hear the sound of the water flowing, and realized that some person was urinating near her berth. She was scared and made a phone call to her husband, who advised her to raise an alarm. In the mean time, the co-passengers travelling with her also realized, the seriousness of the incident and noticed the person zipping his pant.

2 In the complaint, she alleged that a co-passenger has recorded the incident in his mobile and after further inquiry, it was revealed that the person who committed this act was a ticket checker of Compartment No. B-1 to B-5 i.e. the applicant. Based on her complaint, C.R. came to be registered and even an intimation was forwarded to the JMFC, Kalyan, Thane.

3 The complainant had specifically mentioned in her complaint the name of one person who had witnessed the incident and who had recorded the subsequent events in his mobile phone. During investigation, his statement came to be recorded, who corroborate the complainant by stating that he could see the bed-sheet used by the lady was drenched and the urine was spread over in the entire compartment. The video which was recorded by the said witness is perused by the learned APP and is also perused by me when it was put across. The applicant seem to be in an inebriated state and the still photographs would reveal that he is frantically apologizing the person who had recorded the photograph/video by sitting at his feet in a repentful manner.

The learned counsel for the applicant state that he is already placed under suspension and a Departmental Enquiry is contemplated against him.

4 The subject C.R. invoke u/s.354 and 509. *Prima facie*, the offence under Section 354, cannot be said to be made

out, in the nature of accusations faced by the applicant. But the act complained of, does attract Section 509 of IPC, as his action/gestures intrudes upon her privacy. However, in the wake of the accusations, that there is no need of any custodial interrogation of the applicant, but at the same time, it can be observed that the act of the applicant, who is a custodian of the railway, being a Ticket checker has engaged into the act which is unpardonable

Prima facie, the act complained of, do not require requiring the applicant for custodial interrogation, but going by his conduct, the custodian of the Railway could not be expected to behave in such a disgraceful and despicable manner, by urinating near the berth of the passenger and it is apparent that he was not in his senses, but in any case for the act of his, he is subjected to the inquiry proceedings by the employer i.e. the railway and he may take the consequences.

5 The learned counsel for the applicant state that he express penitence and remorse over his inexpressible conduct and is ready to take any consequences and abide by any direction issued by this Court, so as to overcome his guilt.

Upon such statement, I deem it appropriate to direct the applicant to contribute a sum of Rs.25,000/- to the Railway Administration so that the said amount can be expended for creating a facility for the passengers at Thane Railway Station. Since the offer has come from the applicant himself, he shall

deposit the said amount of Rs.25,000/- with the Karjat Railway Police Station, which amount shall in turn be handed over to the Railway for installation of water cooler at Thane Railway Station.

Subject to the aforesaid compliance, the applicant is entitled for protection :-

ORDER

- (a) In the event of his arrest, the Applicant – Munesh Chand Meena in connection of C.R.No.0031 of 2022 registered with Karjat Railway police station shall be released on bail on furnishing P.R. bond to the extent of Rs.25,000/- with 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 so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence.
- (c) The Applicant shall make himself available as and when required by the Investigating Officer.
- (d) The applicant shall deposit the amount of Rs.25,000/- within a period of four weeks with the Karjat Railway Police Station. The Investigating Officer shall ensure that the amount so deposited with the DRM of Central Railway

attached to Thane Railway Station, shall be expended for installation of water cooler at Thane Railway Station within a period of three months from today.

- 6 The Application is allowed in the aforesaid terms.

(SMT. BHARATI DANGRE, J.)