

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.1700 OF 2022

Monty Girjashankar Garodia] ... Applicant

Vs.

The State of Maharashtra] ... Respondent

...

Mr. Vikram Sutaria i/b Mr. Agastya Desai for the applicant.

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

Ms. Priyansha Mishra for the complainant.

Mr. Satish Dattatraya Godse, Bhayandar Police Station is present in the court.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 13TH JULY, 2022.

P.C.:-

1. The applicant is charge-sheeted in C.R. No.519 of 2021, which invokes Section 354(A), 354(D), 509 of the IPC and Section 12 of the POCSO Act. The said FIR came to be registered on a complaint filed by a young girl, aged 15 years, when she narrates that she was stalked by the applicant and he uttered certain words to her, which resulted in invocation of

Section 354(A) of the IPC. The applicant came to be arrested on 17/12/2021 and for more than six months, he is incarcerated.

2. Learned A.P.P. states that the applicant is habituated in indulging in similar acts and she has, in fact, invited my attention to two offences in C.R. No.521 of 2021 and C.R. No.523 of 2021 dated 18/12/2021.

3. Learned counsel for the applicant would submit that looking to the overlapping incidents, which are reported in three distinct CRs., the case of the prosecution becomes doubtful.

4. In any case, this is a matter of trial and the same cannot be considered at this stage. However, as far as the present C.R. is concerned, the offence with which he is charged, would invite a punishment of not more than three years, if he is convicted. In the said circumstances, having undergone six months of imprisonment, the applicant deserves his release. This, however, is subject to the condition that if the applicant further indulges in any such activities, which results in invoking Sections 354 and 356 of the IPC or Section 12 of the POCSO Act, he shall be deprived of his liberty. Hence, the following order:

ORDER

- (a) The applicant – **Monty Girjashankar Garodia** shall be released on bail in C.R. No.519 of 2021

registered with Bhayander Police Station, District Thane on executing P.R. bond to the extent of Rs.25,000/- 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) After his release, the applicant shall report to the Bhayander Police Station, Dist. Thane, on the first Monday of every month till framing of the charge.

5. The 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.]