

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

ANTICIPATORY BAIL APPLICATION NO. 3187 OF 2021

Devendra Gopinath Desai	 Applicant
Versus	
The State of Maharashtra	 Respondent

Mr. Deepak R. Sharma for Applicant.
Mrs. J. S. Lohokare, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 03rd JANUARY, 2022

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.297 of 2021 registered at Khadakpada Police Station, Dist. Thane, on 03/10/2021, under sections 323, 354-A(1)(ii), 354-A(1)(iv) and 498A r/w. 34 of the Indian Penal Code (for short 'IPC').

2. Heard Shri. Deepak Sharma, learned counsel for the applicant and Smt. Lohokare, learned APP for the State.

3. The First Information Report (for short 'F.I.R.') is lodged by daughter in law of the applicant. She has stated that she

got married with the Applicant's son on 25/01/2021. She was residing with the applicant, his wife and applicant's son i.e. informant's husband together. The Applicant's daughter used to visit their house frequently. The F.I.R. goes on to mention that the applicant used to make physical advances towards the first informant under some pretext. He used to say that she was like his daughter and on that pretext used to touch her inappropriately. The F.I.R. mentions some such instances where the applicant had touched the informant. The informant did not like it. She complained to her husband but he ignored it. The mother in law and sister in law of the informant used to cause harassment to her. Ultimately, she left their place on 29/09/2021 and lodged this F.I.R.

4. Learned counsel for the applicant submitted that there are no allegations against the present applicant regarding commission of offence punishable under section 498-A of IPC. He submitted that the applicant came to know about the informant's extramarital affairs and, therefore, as a counterblast, she has lodged this false F.I.R. against the present applicant. He submitted

that, the Sessions Court while rejecting the anticipatory bail application of the applicant has observed that the offence under section 498-A of IPC is not made out against him and yet application is rejected on the ground that allegations are serious.

5. Learned APP opposed this application. She submitted that the F.I.R. has narrated all the allegations, however, she could not substantiate her submission regarding application of section 498A of IPC, as far as present applicant is concerned. Learned APP also fairly conceded that the offence under section 354-A(1)(ii), and 354-A(1)(iv) are bailable in nature.

6. I have considered these submissions. The allegations of harassment are mainly against other accused who are already granted anticipatory bail by the sessions court. As far as present applicant is concerned, the allegations against him are that he was committing acts falling within the meaning of section 354-A(1)(ii), 354-A(1)(iv) of IPC. As conceded by the learned APP, these offences are bailable. Therefore, applicant's custodial interrogation will not be justified. He can be protected by an order of anticipatory bail.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.297 of 2021 registered at Khadakpada Police Station, Dist. Thane, the applicant is directed to be released on bail on his furnishing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)