

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

ANTICIPATORY BAIL APPLICATION NO. 1212 OF 2023

Sunil Shankarprasad Keshary	... Applicant
v/s.	
The State of Maharashtra	 Respondent

Mr. Shrishail Sakhare for the Applicant.
Mr. S.V. Gavand, APP for the State.
Mr. Panicker for the victim/intervenor.
API Shailna Kadam, Aarey Police Station, present.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 02nd MAY, 2023.

P. C. :-

. This is an Application under section 438 of Cr.PC. filed by the aforesaid Applicant apprehending his arrest in C.R.No.48/2023 registered with Aarey Police Station, Mumbai for offences punishable under sections 354, 354-D, 382, 506 r/w. 34 of the Indian Penal Code.

2. Heard learned counsel for the Applicant, learned APP for the State and learned counsel for the Intervenor. 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 Nita Vilas Bhoir. The facts narrated in the FIR prima facie reveal that the first informant has an office at Orchid Commercial Society. On 19/02/2023 at about 09:53 p.m., when she was shifting some of the belongings in her office, she was stopped by the security guard. It appears that there was some altercation between the first informant and the security guard and the security guard had thereafter called the Applicant who is the Chairman of the said society. The first informant had alleged that the Applicant herein had told her in a very rude manner that she cannot shift the belongings in the office. The FIR further reveals that the security guards had closed the shutter and had prevented the first informant from entering the premises. It is alleged that the security guard had caught hold of her hand and subsequently, the security guard also did not allow to leave the premises from the main gate without making an entry. It is further stated that the said watchman thereafter took her photographs while she was unloading her belongings. The first informant has alleged that at the instance of the Applicant, the security guard had prevented her from entering her office.

4. The FIR prima facie reveals that the security guard had prevented

the first informant to enter the office premises during night time. The Applicant, who is the Chairman of the society, had also told her that it was not permissible to take the belongings in the premises during night time. It appears that there was altercation between the parties for the said room. The FIR prima facie does not reveal any cognizable offence as against the Applicant. Hence, no case is made out for custodial interrogation. Under the circumstances, the Application is allowed on the following terms and conditions :-

(a) In the event of arrest of the Applicant in C.R.No.48/2023 registered with Aarey Police Station, Mumbai, he shall be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one or two sureties in the like amount ;

(b) The Applicant shall report to the Investigating Officer for two days i.e., on 05th and 06th May, 2023 between 11:00 a.m. to 02:00 p.m. ;

(c) The Applicant shall not interfere with the Complainant and the other witnesses and shall not tamper

with the evidence or attempt to influence or contact the complainant, witnesses or any person concerned with the case in any manner ;

(d) The Applicant shall keep the Investigating Officer informed of his current address and mobile contact numbers, and/or change of residence or mobile details, if any, from time to time.

5. The Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)

**PREETI
H
JAYANI**

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