

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

ANTICIPATORY BAIL APPLICATION NO.1343 OF 2023

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Ramchandra J. Vaishnav

...Applicant

Versus

The State of Maharashtra

...Respondent

...

Mr. Sandesh D. Patil i/b. Mr. Prithviraj S. Gole for the Applicant.

Mr. Dwivendra Dubey for the Intervenor.

Mr. S.V. Gavand, APP for the Respondent -State.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 4th MAY, 2023.

P. C. :-

1. The Applicant apprehends his arrest in Crime No. 264 of 2023 registered with Borivali Police Station, District-Mumbai, for the offences punishable under Sections 354, 509, 323, 506 and 507 of the IPC.

2. Heard Mr. Sandesh Patil, learned counsel for the Applicant, Mr. Dwivendra Dubey, learned counsel for the Intervenor and Mr. S.V. Gavand, learned APP for the Respondent -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 Dr. Shilpa Bhatt. The facts narrated in the FIR prima facie reveal that her husband, who is a Financial Consultant, had helped the Applicant in getting financial assistance from the Bank. It is alleged that the Applicant had informed the husband of the First Informant that he had obtained financial assistance from some other bank. However, later they learnt that the Applicant had obtained loan on the strength of the same documents, which were submitted by the husband of the First Informant. On 28/03/2023 the First Informant and her husband went to the office of the Applicant to discuss about the payment of commission. It is stated that there was altercation and scuffle between the Applicant and the husband of the First Informant. The First Informant claims that the Applicant herein abused her in filthy words. She claims that the Applicant pushed her and also threatened her husband and told them to leave his office premises.

4. The allegations in the FIR prima facie reveals that there was a scuffle between the Applicant and the husband of the First Informant. The Applicant pushed the First Informant in order to drive her out of the office premises. The FIR does not prima facie indicate that the

Applicant had touched her with an intention of outraging her modesty. He had touched her in the process of pushing her out of the office premises. In my considered view, prima facie, the ingredients of offence under Section 354 of the IPC are not made out. All other offences are bailable. Considering this aspect, this would not be a case which would justify custodial interrogation.

5. Under the circumstances, the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No. 264 of 2023 registered with Borivali Police Station, District-Mumbai, the Applicant shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two sureties to the like amount;
- (ii) The Applicant shall report to the Investigating Officer for a period of two days i.e. 08/05/2023 and 09/05/2023 and thereafter as and when required by the Investigating Officer;
- (iii) The Applicant shall not interfere with the Complainant and witnesses and /or tamper with the

evidence in any manner.

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

6. Application stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)