

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

ANTICIPATORY BAIL APPLICATION NO. 1633 OF 2023

Hemant Kumar Mishra

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr. Puneet Shuklai/b. MKS Legal Associates for the Applicant.

Adv. Neha Patil i/b. Sakshi Jha for the Complainant.

Mr. S.H.Yadav APP for the State.

API Pravin Yadav from MIDC Police Stn.

CORAM : ANUJA PRABHUDESSAI ,J.

DATED : 9th JUNE, 2023.

P.C.

1. This is an application under Section 438 Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in C.R.No.281 of 2023 registered with MIDC Police Station, Mumbai for offences under Section 354, 354-A, 354-D, 501 and 34 of the Indian Penal Code.

2. Heard learned Counsel for the Applicant, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The records prima facie reveal that the first informant is working as a front office executive and that the Applicant was working as Sales Manager in Starwing Real Estate Company. The first informant has alleged that about a month prior to the institution of the first information report, the co-accused Surya Pratap Singh had outraged her modesty and

21 days later the Applicant had also made certain unfavourable comments against her. It is further alleged that on 14.4.2023 the Applicant had caught hand of the first informant. The first information report does not prima facie indicate that the Applicant was involved in committing offence under Section 354 of IPC.

4. The above facts and circumstances, and particularly the nature of the accusation leveled against the applicant, in my considered view, do not justify custodial interrogation. Hence the application is allowed on the following terms and conditions:-

- (i) In the event of arrest of the Applicant in Crime No.281 of 2023 registered with MIDC Police Station, Mumbai, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two sureties in the like amount;
- (ii) The Applicant shall report to the Investigating Officer for two days on 13th and 14th June, 2023 from 11.00 a.m. to 2.00 p.m, and further as and when required by the Investigating Officer.
- (iii) The Applicant shall keep the Investigating Officer informed of his current address and mobile/contact details, and/or change of residence or mobile/contact details from time to time.
- (iv) The Applicant shall not interfere with the Complainant and the other witnesses, or tamper with the evidence in any manner.

(ANUJA PRABHUDESSAI, J.)