

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1770 OF 2022

Farid R. Bubere ...Applicant
V/s.
The State of Maharashtra and anr. ...Respondents.

Mr. Ganesh Gupta for the Applicant.
Mr. Amit Palkar, APP for the Respondent/State.
Ms Mayuri Hatle for Respondent No.2.

CORAM : N.R. BORKAR, J.
DATE : 15.03.2023.

P.C. :

1. This is an application under Section 438 of Code of Criminal Procedure for anticipatory bail.
2. The applicant is apprehending his arrest in Crime No. 31 of 2022 registered at Neral Police Station, Raigad for the offences punishable under Sections 354-D, 506 of the IPC and Section 11(iv) and 12 of the Protection of Children from Sexual Offences Act.
3. I have heard the learned counsel for the applicant and the learned APP for the State.
4. The allegations against the present applicant are that he made the victim to send her photographs on his mobile phone by impersonating to be her friend Hajira. It is alleged that the applicant used to stalk the victim and on 7 February 2022, he caught hold of her hand and made her to see obscene video.

5. This Court on 8 July 2022 passed the following order.

- "1. Heard the learned Counsel for the applicant.*
- 2. Issue notice to the respondents, returnable on 5th August, 2022.*
- 3. The learned APP waives notice for the State/respondent no.1.*
- 4. In addition to notice through Court, the applicant is at liberty to serve respondent no.2 by private service and file affidavit of service.*
- 5. The applicant is arraigned in CR No.31 of 2022 registered with Neral Police Station for the offences punishable under Sections 354, 354D and 506 of the Indian Penal Code, 1860 ("the Penal Code") and Sections 11(iv) and 12 of the Protection of Children from Sexual Offences Act, 2012 ("the POCSO").*
- 6. The learned Counsel for the applicant submits that investigation is practically complete and the charge-sheet has been lodged. Even the mobile phone, in which the offending data was allegedly stored, has been seized.*
- 7. I have perused the allegations in the First Information Report (FIR). Since the investigation seems to be complete for all intent and purpose, till the matter is considered after providing an opportunity of hearing to the prosecution and respondent no.2 - victim, it is expedient to protect the liberty of the applicant. Hence, till the next date the applicant shall not be arrested in CR No.31 of 2022.*
- 8. List on 5th August, 2022."*

6. The prosecution has already filed the charge-sheet. There appears to be delay in lodging the report. Considering the overall facts and circumstances, I am inclined to release the applicant on anticipatory bail on certain conditions. In the result the following order is passed.

ORDER

- A) The Anticipatory Bail Application is allowed.
- B) In the event of arrest of the applicant- Farid R. Bubere, in C.R. No. 31 of 2022 registered at Neral Police Station, Raigad for the offences punishable under Sections 354-D, 506 of the IPC and Section 11(iv) and 12 of the Protection of Children from Sexual Offences Act, the applicant be released on bail on executing P.R Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with one or two sureties in the like amount.
- C) The applicant shall not enter into the municipal limits Salokh, Salokh Tarf, Waredi Kalamb till conclusion of trial.
- D) The respondent No.2 is at liberty to file an application for cancellation of anticipatory bail, if said condition is breached.

[N.R.BORKAR, J.]