

AGK

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

ANTICIPATORY BAIL APPLICATION NO.1726 OF 2023

Bhanudas Haribhau Date	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Priyal G. Sarda for the applicant.

Mrs. Rutuja Ambekar, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 22, 2023

PC.:

1. Apprehending arrest in connection with C.R. No.234 of 2023 registered with Ale Phata Police Station for the offences punishable under sections 354, 323, 504 and 506 of the Indian Penal Code, 1860, the applicant is seeking relief of pre-arrest bail under Section 438 of the Criminal Procedure Code, 1860.

2. According to the prosecution, the incident occurred at about 9.00 a.m. on 16 May 2023. The informant was filling water in front of her house when the applicant suddenly came and asked her not to take water from that tap and abused her. He also assaulted her with kick and fist blows. He threatened her by using filthy language and by holding her right hand, pulled her saree and by making her falling on the ground he touched her breast and threatened her to beat her by removing her saree. The

neighbours came at the spot and rescued the informant. She, therefore, filed a report.

3. The applicant also filed cross-report after the present report is filed.

4. Application under Section 438 filed by the applicant before the learned Sessions Judge was rejected by order dated 13 June 2023 despite recording a statement that the investigating officer has not claimed custodial interrogation of the applicant.

5. On perusal of the report and material on record, it appears that there are cross-reports and the fact that the investigating agency has not claimed custodial interrogation of the applicant, the applicant is entitled to the relief. Hence, following order:

a) In the event of arrest of the applicant in connection with C.R. No.234 of 2023 registered with Ale Phata Police Station for the offences punishable under sections 354, 323, 504 and 506 of the Indian Penal Code, 1860, he be released on bail on furnishing P.R. Bond in the amount of Rs.25,000/- with one or two sureties in the like amount;

b) The applicant shall remain present before the investigating officer on 26, 28 and 30 June 2023 between 11.00 a.m. to 2.00 p.m. and thereafter as and when called by the concerned investigating officer;

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to

the court or to any police officer;

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the court concerned, and shall not change the residence till the final disposal of the case;

6. The anticipatory bail application stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)