

VRJ

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

ANTICIPATORY BAIL APPLICATION NO.1781 OF 2023

Balu Alias Balasaheb Haribhau Date	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Sachin Bharat Thorat for the applicant.

Ms. Veera Shinde, APP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : JUNE 27, 2023

P.C.:

1. Apprehending arrest in connection with C.R. No.238 of 2023 dated 16th May 2023 for offences punishable under sections 354, 324, 323, 504, 506 of the Indian Penal Code, 1860, the applicant is seeking relief of pre-arrest bail under section 438 of the Criminal Procedure Code, 1973.

2. According to the prosecution, on 16th May 2023 at about 10:30 a.m. while the informant was cleaning her house, the applicant suddenly came in her house and hugged her and advanced sexual favours. He laid her down and inappropriately touched her chest and breast. He tried to pull up her saree nearby outraging her modesty.

3. The applicant filed an application before the Sessions Judge,

which came to be rejected by order dated 13th June 2023.

4. On perusal of the record, it appears that the parties have filed cross FIR against each other. It prima facie appears that there is long standing enmity between the parties. Before the Sessions Court, the investigating agency has not claimed custodial interrogation. This Court has granted pre-arrest protection to the husband of the informant in cross report. Hence, following order:

- a) In the event of arrest of the applicant in connection with C.R. No.C.R. No.238 of 2023 dated 16th May 2023 for offences punishable under sections 354, 324, 323, 504, 506 of the Indian Penal Code, 1860, the applicant shall be released on bail on furnishing PR Bond in the sum of Rs.25,000/-, along with one or two sureties in the like amount.
- b) The applicant shall remain present before the investigating officer on 1st, 4th and 6th July 2023 between 11:00 a.m to 02:00 p.m. and, thereafter, as and when called by the 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;
5. The anticipatory bail application is disposed of in above terms.

(AMIT BORKAR, J.)