

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2498 OF 2023

Ashish Annasaheb Dhage ...Applicant

vs.

The State of Maharashtra ...Respondent

Mr. Pranjali Jadhav a/w. Mr. Vishwajeet Mohite, for the Applicant
Ms. Anamika Malhotra, APP, for the Respondent/State.
Mr. B.Y. Gaikwad, HC, Chakan police station.

CORAM : N. J. JAMADAR, J.

DATE : NOVEMBER 29, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with C.R. No. 654 of 2023 registered at Chakan police station for the offences punishable under sections 353, 354 and 504 of Indian penal Code, 1860.

3. By an order dated 6th September, 2023 this Court was persuaded to grant interim bail. This Court has observed, inter alia, as under:-

6] Prima facie, there is delay of more than a month in lodging the report of the alleged outraging of the modesty of the first informant. Mr. Pethe, attempted to explain the delay by submitting that the applicant had threatened to publish false news.

7] On the perusal of the material on record, however, it appears that the applicant had already published the

news items involving the first informant on 5th June, 2023 and 27th July, 2023. Third news item was published on 5th August, 2023. FIR was lodged on 7th August, 2023. Prima facie, the delay, if viewed in the aforesaid context, deserve to be taken into account. At this stage, the applicant's version that the FIR is a counterblast to these reports cannot be thrown overboard. Moreover, the major offence under Section 354 entails punishment, which may extend to five years. In the light of the nature of accusation, custodial interrogation does not seem warranted, at this stage.

4. The learned APP on instructions of the investigating officer submits that the charge sheet has been lodged.

5. In view of the aforesaid development and the reasons which weighed with this Court in granting interim bail, at this length of time, the custodial interrogation of the applicant does not seem to be warranted to facilitate further investigation. I am, therefore, impelled to make the order of interim absolute.

6. The order of interim bail dated 6th September, 2023 is made absolute on the terms and conditions incorporated therein.

7. In addition, the applicant shall regularly attend the proceedings before the jurisdictional Court.

8. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)