

Santosh

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

ANTICIPATORY BAIL APPLICATION NO. 2528 OF 2023

Zuber Rashid Khan ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Makrand Kale, a/w Kishor Ajetrao and Rishi Bhatt, i/b
Yogesh Sankpal, for the Applicant.

Mr. R. M. Pethe, APP for the State/Respondent.

Ms. M. L. Chavan, PSI, Kondhwa Police Station, present.

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CORAM: N. J. JAMADAR, J.
DATED: 6th SEPTEMBER, 2023

ORDER:-

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with CR No.710 of 2023, registered with Kondhwa Police Station, Pune, for the offences punishable under Sections 354 and 506 read with Section 34 of Indian Penal Code, 1860 ("the Penal Code") and Section 4 of the Mumbai Municipal Corporation Act, 1988.
3. The applicant claims to be the President of the Trust, which runs the Lady Haleema Begum Primary School, where the first informant is working as a teacher. On 5th July, 2023, the applicant allegedly restrained the first informant from entering into the school premises and outraged her modesty

by catching hold of her hand. The applicant allegedly threatened to cause harm to the first informant, if she ever entered the school premises.

4. The learned Counsel for the applicant submitted that the first informant lodged the instant FIR as counter-blast to complaint, being Criminal M.A. No.66/2023, filed by the applicant against the Principal and others for the offences punishable under Sections 120-B, 405, 406, 408, 418, 420, 381, 425, 426 and 471 read with Section 34 of the Penal Code, wherein the learned Magistrate passed an order under Section 156(3) of the Code of Criminal Procedure, 1973 on 28th April, 2023.

5. Copy of the order dated 28th April, 2023 and the consequent FIR registered at Kondhawa Police Station against Tabassum Anwar Shaikh and others are annexed to the application at Exhibit-D.

6. *Prima facie*, it appears that the genesis of the alleged offences is in the said dispute. A reference to the said dispute finds mention in the first information report itself. *Prima facie*, the allegations against the applicant appear to be that of assault, insult and intimidation. The question as to whether there was intent to outrage the modesty of the first

informant, even if the allegations in the FIR are taken at par may warrant consideration.

7. The applicant appears to have roots in society. The possibility of fleeing away from justice seems to be remote. I am, therefore, inclined to exercise the discretion in favour of the applicant.

8. In the event of arrest of the applicant in CR No.710 of 2023, registered with Kondhwa Police Station, Pune, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

9. The applicant shall cooperate with the investigation and attend Kondhwa Police Station, Pune, on alternate Sunday in between 10.00 am. to 12.00 noon for a period of one month.

10. The applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant and any person acquainted with the facts of the case.

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

12. Application stands disposed.

[N. J. JAMADAR, J.]