



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2788 OF 2023**

Madan Bayaji Gore	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Ms. Priyanka Gupta i/by Mr. Rupesh Zade, for Applicant.
Mr. M.G.Patil, APP for State.
Mr. Santosh M. Shinde, ASI, Daund Police Station, Pune Rural present.

CORAM: N.J.JAMADAR, J.

DATE : 6 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.735 of 2023 registered with Daund Road Police Station for the offences punishable under Sections 354, 504 and 506 of the Indian Penal Code.
3. The Applicant is a Police Patil of Village Pedgaon. On 16 August 2023 the first informant had been to Deoulgaon for shopping along with her husband. The applicant allegedly caught hold of the hand of the first informant while she was purchasing imitation anklet. The Applicant asked the first informant to purchase the imitation jewellery she liked and offered to pay for the same and also offered to pay Rs.500/- if she accompanied him. The applicant allegedly attempted to pull the first informant towards him. Hence, the first informant lodged the report.

4. The learned Counsel for the applicant submitted that the first informant had known the applicant from before. The Applicant has been falsely roped in on account of previous animosity. In the backdrop of the nature of the accusation, the custodial interrogation of the applicant is not warranted.

5. The learned APP submitted that the applicant had attempted to outrage the modesty of the first informant at a public place and, therefore, the applicant does not deserve the exercise of the discretion.

6. Prima facie, there are specific allegations against the applicant. The applicant had allegedly caught hold of the hand of the first informant. However, the nature of the accusation is not such that the custodial interrogation of the applicant is warranted to facilitate further investigation. The major offence under Section 354 of IPC entails punishment of five years. The applicant appears to have roots in society. The apprehension on the part of the prosecution can be taken care of by imposing certain conditions.

7. Hence, the following order :

ORDER

(i) In the event of the arrest of the Applicant – Madan Bayaji Gore in connection with C.R.No.735 of 2023 registered with Daund Road Police Station, 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.

(ii) The Applicant shall co-operate with the investigation and report to Daund Road Police Station on 12th, 13th and 16th October 2023 in between 10.00 a.m. to 1.00 p.m.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses and the persons acquainted with the facts of the case.

(iv) The Applicant shall not contact the first informant and her husband or any of the persons acquainted with the facts of the case.

(v) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(vi) It is clarified that the these prima facie observations are confined to determine entitlement to pre-arrest bail only.

(vii) The application stands disposed.

(N.J.JAMADAR, J.)