



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.3118 OF 2023**

Rajesh Durgaprasad Mishra  
versus  
The State of Maharashtra

... Applicant  
... Respondent

Mr. Mukesh Pandey, for Applicant.  
Mr. M.G.Patil, APP for State.  
Mr. Balwant V. Salunkhe, for Complainant.  
First informant present.

**CORAM: N.J.JAMADAR, J.**

**DATE : 3 NOVEMBER 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.866 of 2023 registered with Pelhar Police Station for the offences punishable under Sections 354, 323, 504, 506 read with 34 of the Indian Penal Code.
3. The first informant lodged a report with the allegations that on 16 September 2023, the applicant had came to her house and asked her to give water for drinking. When she went to another room, the applicant caught hold of her and tore off her blouse and thereby outraged her modesty. The co-accused entered into her house and abused and assaulted her.
4. The learned Counsel for the first informant, on the instructions of the first informant, who is present in Court, submitted that the first informant has no

objection to grant pre-arrest bail to the Applicant.

5. Prima facie, it appears that a scuffle had occurred between the first informant and the applicant and co-accused. The question as to whether in the said scuffle, the applicant had used criminal force with an intent to outrage the modesty of the first informant would be a matter for adjudication. The applicant appears to have roots in society. The possibility of fleeing away from justice appears to be remote. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

6. Hence, the following order :

#### ORDER

(i) In the event of the arrest of the Applicant – Rajesh Durgaprasad Mishra in connection with C.R.No.866 of 2023 registered with Pelhar 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 Pelhar Police Station on 9<sup>th</sup> and 10<sup>th</sup> November 2023 in between 10.00 a.m. to 1.00 p.m.

(iii) The Applicant shall not contact the first informant and 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 regularly attend the proceedings before the

jurisdictional Court.

(v) The Application stands disposed.

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

**( N.J.JAMADAR, J. )**