

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

ANTICIPATORY BAIL APPLICATION NO.316 OF 2024

Shivprasad Babanrao Sasane

.... Applicant

versus

State of Maharashtra & Anr.

.... Respondents

.....

- Mr. Satyavrat Joshi (appeared through VC) i/b. Shivani S. Kondekar, Advocate for Applicant.
- Smt. M. H. Mhatre, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 06th FEBRUARY, 2024

P.C. :

1. Leave to amend to correct the C.R. No. mentioned in the prayer. Amendment to be carried out forthwith.
2. The Applicant is seeking anticipatory bail in connection with C.R.No.348/2023, dated 28/12/2023, registered with Alandi Police Station, Pimpri-Chinchwad, under sections 354, 354-A, 509, 504, 506 r/w 34 of the Indian Penal Code.
3. Heard Mr. Satyavrat Joshi, learned counsel for the Applicant and Smt. M. H. Mhatre, learned APP for the State.

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4. The FIR is lodged by the victim. She has stated that she was working as an Emergency Medical Officer on an Ambulance. As a part of her duty she had to attend the patients who called on the medical emergency phone number. There were two drivers who had duties by shifts. One of them was Gorakhnath Darade and the other was the present Applicant. The FIR pertains to two separate incidents. The first incident dated 30/11/2023 is in respect of the other driver Darade. As far as the present Applicant is concerned, the allegations against him are in respect of the incident dated 10/12/2023. The informant has stated that she had the morning duty on 10/12/2023. She attended one patient. She was coming back in that Ambulance at 12.30 p.m. She was sitting on the seat next to the driver. It is her case that while changing the gears the Applicant was deliberately touching her inappropriately. On one occasion he abused another car driver in obscene language. On these allegations, this FIR is lodged.

5. Learned counsel for the Applicant submitted that the alleged incident had taken place on 10/12/2023 and the FIR is lodged on 28/12/2023. This delay of 18 days is not explained by the informant. Therefore, there is scope to believe that the FIR is lodged as an afterthought to falsely implicate the Applicant.
6. Learned counsel for the Applicant submitted that the FIR appears to be a result of dispute between the informant and the Applicant. He submitted that the offence u/s 354-A is bailable. Similarly, offence u/s 509 is also bailable. He further submitted that the offence u/s 354 of IPC in the present facts is not attracted.
7. Learned APP submitted that the FIR is recorded u/s 354 of IPC which is a non-bailable offence. However, she could not justify as to how section 354 was attracted in the present set of facts. She conceded that the offence u/s 354-A, which is really made out, is bailable and offence u/s section 509 is also bailable.
8. I have considered these submissions. The allegations in the FIR against the present Applicant cannot be neglected.

However, as submitted by both the learned counsel, the offence u/s 354-A is bailable. The ingredients of that offence are clearly made out from the allegations in the FIR. There is force in the submissions of Mr. Joshi that section 354 is not attracted in the present case, as there was no assault or the use of criminal force. In this view of the matter, the Applicant can be protected u/s 438 of Cr.P.C.

9. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.348/2023, dated 28/12/2023, registered with Alandi Police Station, Pimpri-Chinchwad, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)