

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

ANTICIPATORY BAIL APPLICATION NO.698 OF 2024

Vivek Singh Ramsingh Falkoti Applicant

versus

State of Maharashtra Respondent

.....

- Mr. Dhrutiman Joshi a/w Anita Pandey i/b. Mukesh Gupta, Advocate for Applicant.
- Ms. Pallavi N. Dabholkar, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 11th MARCH, 2024**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.183/2024, dated 16/02/2024, registered with Mahatma Phule Chowk Police Station, Thane City, under sections 354, 354-A of the Indian Penal Code.

2. Heard Mr. Dhrutiman Joshi, learned counsel for the Applicant and Ms. Pallavi N. Dabholkar, learned APP for the State.

3. The FIR is lodged by the victim herself. She has stated that she was working in a company since January 2023. Initially she was working as a Web Administrator till November 2023. From December 2023 she started working in the HR Department of the company. The present Applicant was the Manager and her superior officer in that company. She has stated that on 28/12/2023, she committed some mistake in preparing an email. At that time, the Applicant came to her and kept his hand on her shoulder and told her that she should think with cool head. According to her, the Applicant tried to come closer to her. She asked him to remove his hand from her shoulder. On 29/01/2024 he asked the informant a personal question. On 08/02/2024, he made some remarks which can be termed as advances involving unwelcome and explicit sexual overtures. She made a complaint to her company but the concerned committee of the company did not take action against the Applicant and therefore she lodged her FIR.
4. Learned counsel for the Applicant submitted that section 354 of IPC is not applicable in the facts of the case.

Section 354-A of IPC is bailable. He submitted that the Applicant is asked to stay at home and is not allowed to attend his duty as of today. Since about past one month he is unable to attend his office. He has a two month old child and therefore he is facing difficulties. He submitted that in the background of the facts of this case and allegations, his custodial interrogation is not necessary.

5. Learned APP submitted that it would be sufficient if the Applicant cooperates with the investigation and attends the concerned police station as and when called. She could not justify as to how section 354 of IPC is attracted.

6. I have considered these submissions. The allegations against the Applicant attract section 354-A of the IPC. From the allegations it does not appear that he had used the criminal force or had assaulted the informant. Therefore, at this stage, it is doubtful as to whether section 354 of the IPC is made out. Apart from that, on humanitarian ground also, the Applicant deserves leniency as he has two months old child and he is

unable to attend his office. His custodial interrogation is not necessary. It is sufficient if he cooperates with the investigation.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.183/2024, dated 16/02/2024, registered with Mahatma Phule Chowk Police Station, Thane City, 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 Applicant shall attend the concerned Police Station as and when called and shall cooperate with the investigation.
- (iii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)