

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

ANTICIPATORY BAIL APPLICATION NO. 1206 OF 2024

Somnath Khandu Shivle	 Applicant
Versus	
The State of Maharashtra	 Respondent

YUGANDHARA
SHARAD
PATIL

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Mr. Sachin H. Deokar, for the applicant.
Ms. Rajeshree V. Newton, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 2nd MAY, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R No. 104 of 2024, registered at Shikrapur Police Station, Pune, on 25/01/2024, under Section 354 of the Indian Penal Code.
2. Heard Mr. Deokar, learned counsel for the Applicant and Ms. Newton, learned APP for the Respondent-State.
3. The FIR is lodged by the victim. She has stated that she is a married lady. She was residing with her husband, daughter and son. On 23/01/2024, at about 9.30 p.m., she and her family members were sleeping in their house. At about 1.30 in the mid night, somebody knocked on the door. The informant
y.s.patil

looked outside. She saw that the present Applicant was standing outside their house. He told her that he wanted to keep relationship with her and started making gestures which were embarrassing the informant who called her husband. Then the Applicant ran away. On this basis, the FIR is lodged.

4. Learned counsel for the Applicant submitted that the main ingredients of force and assault as required under section 354 of the I.P.C. are not made out in the FIR. Besides that, even the incident is improbable. The Applicant and the informant are neighbours and there was a petty quarrel in the morning on that day. As a result of that, this false FIR is lodged against the Applicant.

5. Learned APP could not point out how section 354 would be attracted in the absence of allegations of criminal force and assault on the part of the Applicant. However, she submitted that there is one more similar antecedent against the present Applicant.

6. I have considered these submissions. I find force in the

submissions of learned counsel for the Applicant that ingredients of section 354 of I.P.C. are not made out and I am inclined to accept the arguments that the incident as such appears to be highly doubtful. All the family members of the informant were in the house. Even her husband was in the house. In that case, it would be difficult to believe the allegations made in the FIR. In this view of the matter, there is a possibility of false implication. Therefore, Applicant's custodial interrogation is not necessary. He can be protected under section 438 of Cr.P.C. Hence the following order.

ORDER

- (i) In the event of his arrest in connection with C.R No. 104 of 2024, registered at Shikrapur Police Station, Pune, the Applicant is directed to be released on bail on his executing P.R. 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.)