

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

Anticipatory Bail Application No.1289 of 2024

1. Sandeep Kumar alias Nikhil Arora
a/o Ramesh Kumar
Age 30 years, Occ: Production Manager,
Add:B-1601, Jivan Jyoti Building,
Near: Deepak Hospital,
Mira Road West 401107
2. Puneet Goyal s/o Govind Goyal
Age-38 years, Occ:Director,
Add:5-D/302, Sankalp building,
Ekta Nagar, Charkop, Kandivali (W)
Mumbai-400 067. Applicants.

Vs.

1. The State of Maharashtra
(At the instance of Malwani Police
Station)
2. X.Y.Z.
Aged 21 years (through Malvani
Police Station) Respondents.

Ms Sana Latif Shaikh i/by Shaikh Abdul Kalam for the
applicant.

Mr Arfan Sait, APP for respondent/State.

Mr Anurag Mishra for respondent No.2.

API Nilesh Salunke, Malvani Police Station, Mumbai.

Coram : R.N.Laddha, J.

Date : 10 December 2024.

P.C. :

This is an application for pre-arrest bail filed by the applicant apprehending arrest in CR No.200 of 2024, registered at Malwani Police Station, Mumbai, for offences punishable under Sections 354, 506 read with 34 of the Indian Penal Code.

2. The learned Counsel appearing on behalf of the applicant, submits that the alleged incident occurred on 4 January 2024, but was only reported to the police on 11 February 2024. This delay in lodging the FIR is significant and unexplained. The learned Counsel emphasise that the notice dated 1 February 2024, issued by the informant, does not reference the alleged incident. According to the learned Counsel, the investigation has been concluded, and there is nothing to be recovered at the instance of the applicant.

3. On the contrary, the learned Additional Public Prosecutor representing the respondent/State and the learned Counsel for the intervenor, jointly submits that the offence is serious and involves allegations of molestation against the applicant. The learned APP, however, fairly acknowledges that the investigation is concluded, and

nothing is to be recovered from the applicant.

4. After perusing the records, it is evident that the alleged incident occurred on 4 January 2024, but the FIR was lodged only on 11 February 2024. The delay in filing the FIR remains unexplained. Furthermore, the notice dated 1 February 2024, issued by the informant, does not mention the alleged incident. The investigation has been concluded and nothing is to be recovered from the applicant. The apprehension of the prosecution that the applicant may tamper with prosecution evidence or influence the witnesses can be taken care of by imposing appropriate conditions. In these circumstances, the application stands allowed in the following terms :

- (i) In the event of the applicant's arrest in connection with CR No.200 of 2024, registered at Malwani Police Station, Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station as and when

required.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence the witnesses.

5. The application stands disposed of accordingly.

[R. N. Laddha,J.]