

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

Anticipatory Bail Application No. 1353 of 2024

Soham Ganesh Teji
Age 32 years, Occ. Service,
R/o. Ambedkar Nagar, Behind
Hill Line Police Station,
Ulhasnagar, Thane - 421 005.

...Applicant

Vs.

1. The State of Maharashtra
Through Hill Line Police Station,
Ulhasnagar in C.R. No.0247/2024.

2. ABC

Age 45 years, Occ. --
through Hill Line Police Station,
Ulhasnagar, District - Thane.

...Respondents

Mr Pratik Jadhav i/b. Nitesh J. Mohite, for the applicant.

Mr Arfan Sait, APP, for the respondent/ State.

ASI Dashrath Walunj, Hill Line Police Station, District Thane, is present.

Coram: R. N. Laddha, J.

Date: 24 July 2024

P.C.

This is an application for pre-arrest bail filed by the applicant, who is apprehending arrest in CR No.247 of 2024, registered at Hill Line Police Station, Thane, for the offences punishable under Sections 337, 354, 354B, and 506 of the Indian Penal Code.

2. The prosecution alleges that on 13 March 2024, around 8:15p.m., the applicant intentionally drove his motorcycle over the informant's leg, forcefully grabbed her left hand, and pulled her saree.

The motive behind this incident was to intimidate the informant as she had previously filed a criminal case against the applicant's boss.

3. Mr Pratik Jadhav, the learned Counsel appearing on behalf of the applicant, submits that the applicant has been falsely implicated in the present crime due to an underlying motive. This motive arises from animosity between the applicant's boss and the informant. Furthermore, there was a delay in lodging the complaint, and nothing is to be recovered or discovered at the applicant's behest. The applicant is ready and willing to cooperate with the investigation.

4. Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, submits that the allegations of outraging the modesty are serious. The applicant has criminal antecedents. The investigation is in progress and the possibility of tampering with evidence, pressurising the witnesses, and creating hurdles in the investigation cannot be ruled out.

5. It is a settled position in law that the power to grant anticipatory bail is extraordinary. While it has been acknowledged in many instances that regular bail is considered a general rule, the same analogy cannot be applied to anticipatory bail. The decision to grant anticipatory bail must be exercised with careful and prudent discretion by the Court, considering each case's specific circumstances. A straight jacket formula cannot be applied. While exercising this power, the Court must exercise caution, as granting protection in serious cases could potentially lead to a miscarriage of justice or hinder the investigation by allowing

tampering or destruction of evidence. A profitable reference in this regard can be made to the decision of the Hon'ble Supreme Court in *Shrikant Upadhyay & Ors. v. State of Bihar & Anr.*¹

6. Upon perusing the records, it appears that the FIR explicitly accuses the applicant of outraging the informant's modesty through an overt act in a crowded public place to intimidate her for lodging a complaint against his boss. There appears to be a motive for committing the crime. The incident is corroborated by the witnesses. The offence is against a woman and is of serious nature. Moreover, the applicant has criminal antecedents. Considering the nature of the allegations, the criminal antecedents against the applicant, and the fact that the investigation is at a nascent stage, the learned APP is justified in contending that pre-arrest bail is not appropriate in this case.

7. In view of the above, the applicant stands rejected.

(R. N. Laddha, J.)

1 2024 SCC OnLine SC 282.