

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

Anticipatory Bail Application No. 1850 of 2024

Karan Kashi Singh
Age 26 years, Occ. Service,
Having present address at
Sanjivani Chawl, Akurli Road,
Vadar Pada Road No.2, Near Ganesh
Krupa Building, Hanuman Nagar,
Kandivali (East), Mumbai – 400 101.

...Applicant

Vs.

1. The State of Maharashtra
At the instance of Kurar Police Station
in FIR No.439/2024.

2. XYZ

Age 33 years, Occ. Service,
R/at.: Room No. , Dhondu Gunaji Chawl,
Tanaji Nagar, Kurar Gav, Malad (East),
Mumbai.

...Respondents

Mr A Karim Pathan a/w. Shane Illahi Turkey a/w. Fuzlur Rehman
Shaikh, for the Applicant.

Mr Yogesh Y Dabake, APP, for the Respondent – State.

Ms Utkarsha Wadekar, Appointed Advocate, for Respondent No.2.

PSI SM Gholave, Kurar Police Station, Mumbai, is present.

Coram: R. N. Laddha, J.

Date: 30 July 2024

P.C.

. Ms Utkarsha Wadekar is appointed as advocate to espouse the
cause of respondent No.2. The legal fees to be paid by the High Court

Legal Services Committee.

2. Heard A. Karim Pathan, the learned Counsel appearing on behalf of the applicant, Mr Yogesh Dabake, the learned Additional Public Prosecutor representing respondent No.1/ State, and Ms Utkarsha Wadekar, the learned Counsel appearing for respondent No.2.

3. The applicant apprehends arrest in CR No.439 of 2024, registered at Kurar Village Police Station, Mumbai, for the offences punishable under Sections 354, 354A, 354D, 509, 323, 504, 506 of the IPC, and Sections 8 and 12 of the Protection of Children from Sexual Offenders Act, 2012 ('the Act').

4. It is the case of the prosecution that the informant's daughter studying in Class 9, initially connected with the applicant on Instagram. On 20 May 2024, after chatting with him online, she went to Milan Hotel to pick up food at 9.00 p.m. However, she soon called her mother/the informant around 10.00 p.m., reporting that the applicant was harassing her. He took the food parcel from her by force, threw it away, and assaulted her for not talking with him. When questioned by her mother, the victim revealed that the applicant had been sending her threatening messages on Instagram and stalking her at school and during tuition classes. He threatened to harm her and falsely accuse her family members if she did not continue their friendship.

5. Mr A. Karim Pathan, the learned Counsel appearing on behalf of

the applicant, submits that the applicant has been falsely implicated in the crime. The applicant and the victim were acquainted with each other, but the informant raised objections to their friendship. The FIR is based on hearsay information. There are no allegations of molestation or sexual assault, rendering Section 8 of the Act inapplicable. Section 12 of the Act prescribes a maximum sentence of three years imprisonment. As the investigation nears completion, nothing needs to be recovered from the applicant. Moreover, the applicant has no criminal antecedents and he is willing to cooperate with the investigation. The applicant also undertakes not to enter the jurisdiction of Kurar Village Police Station or contact the victim in any manner.

6. Mr Yogesh Dabake, the learned Additional Public Prosecutor representing the respondent/ State, emphasizes the gravity and seriousness of the offence by drawing the attention of this Court to the victim's age, which was fourteen at the time of the incident.

7. Upon perusing the records, it appears that the applicant threw the food parcel held by the victim in her hands as she was not communicating with him. The applicant and the victim are known to each other but the victim's mother objected to their friendship. *Prima facie*, the allegations do not suggest that the applicant intended to molest or sexually assault the victim. The investigation is on the verge of completion, and nothing is to be recovered from the applicant. To address concerns about evidence tampering or witness influence,

certain conditions can be imposed. The learned Counsel for the applicant, on instructions, assures that the applicant will avoid entering the jurisdiction of Kurar Village Police Station and refrain from contacting the victim. In the circumstances, the application is allowed in the following terms:

- (i) In the event of applicant's arrest in CR No.439 of 2024, registered at Kurar Village 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 not enter the jurisdiction of Kurar Village Police Station and contact the victim in any manner.
- (iii) The applicant shall not, himself or through any other person, indulge in any activity that would tamper with the evidence or influence the witnesses.

8. It is made clear that any breach of the aforesaid conditions may result in cancellation of bail. The observations hereinabove are *prima facie* in nature and made only to decide the present anticipatory bail application. The application is disposed of accordingly.

(R. N. Laddha, J.)