

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3142 OF 2024

Kishore Reddi Chawhan	...	Applicant
Vs.		
State of Maharashtra	...	Respondent

Mr. Pandit Kasar for Applicant.

Mr. Tanveer Khan, APP for Respondent-State.

CORAM : MANISH PITALE, J.
DATE : 27th NOVEMBER, 2024

P.C. :

. Heard Mr. Kasar, learned counsel for applicant and Mr. Khan, learned APP for respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0413 of 2024 dated 23.09.2024 registered with Wada Police Station, District - Palghar, for offences punishable under Sections 74 and 75 of the Bhartiya Nyaya Sanhita, 2023 (BNS).

3. The allegation of the informant is that on 19.09.2024, when she was at her work place, the applicant sexually harassed her and thereby, outraged her modesty.

4. The learned counsel for the applicant submits that the subject FIR is a counter blast and an afterthought because the applicant had caused an earlier FIR to be registered against the husband of the informant and others on 22.09.2024 at the very same police station concerning an incident where the husband of the informant and others had assaulted the applicant. He submits that the subject FIR can also be said to be delayed. It is further submitted that the applicant is ready to co-operate with the investigation

and therefore, this Court may allow the application.

5. On the other hand, the learned APP submits that the present FIR concerns serious offences and it is a crime against woman. It is submitted that the statement of the informant sufficiently makes out the ingredients of the offences registered against the applicant and hence, no indulgence may be shown.

6. This Court has considered the rival submissions. The material on record shows that while the alleged incident involving the applicant and the informant took place on 19.09.2024 at about 2.30 p.m., the FIR was eventually registered after four days on 23.09.2024 at 21.33 hours. *Prima facie* there appears to be delay in registration of the FIR and the only explanation given in the statement of the informant is that she caused the FIR to be registered after having told her parents and her husband about the incident on 23.09.2024.

7. The aspect of delay in registration of the FIR assumes significance in the light of the fact that on 22.09.2024, the applicant had caused the FIR to be registered in the very same police station against the husband of the informant and others about the incident involving assault on the application.

8. The subject FIR was registered on the next day i.e. on 23.09.2024 and it *prima facie* appears to be a counter blast and an afterthought.

9. The applicant is ready to co-operate with the investigation and therefore, this Court is inclined to allow the application.

10. The application is allowed in the following terms:-

- A. In the event the applicant is arrested in connection with FIR No.0413 of 2024 dated 23.09.2024 registered with Wada Police Station, District - Palghar, he shall be released on bail on

furnishing PR Bond of Rs.25,000/- with one or two sureties in the like amount;

- B. The applicant shall remain present before the investigating officer on 29.11.2024 between 10:00 a.m. and 12 noon and thereafter, as and when called by the investigating officer. He shall co-operate with the investigation;
- C. The applicant shall not influence the informant, witnesses or any person concerned with the case and they shall not tamper with the evidence.

11. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

12. The application is disposed of.

(MANISH PITALE, J.)

Ajit Pathrikar