

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

ANTICIPATORY BAIL APPLICATION NO.3144 OF 2024

Bhushan Shivdas mahalinge ...Applicant

VERSUS

State of Maharashtra ...Respondent

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Mr._Nitin Talegaonkar, Advocate for the Applicant.

Mr. S. V. Walve, A.P.P. for the Respondent – State.

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CORAM : N. R. BORKAR, J.
DATE : 24.01.2025.

P.C.:

1. This is an application for Anticipatory Bail.
2. On 27.11.2024, this Court had passed the following order :

. Heard learned counsel for applicant and learned APP for respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0630 of 2024 dated 11.05.2024 registered with Hinjewadi Police Station, District – Pimpri Chinchwad, for offences punishable under Sections 354, 341, 323, 504, 506 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The statement of the informant shows that on the date and time of the incident, when she and

her husband were traveling in a lift, the applicant and three unknown persons entered the lift. They outraged her modesty and when her husband objected, the accused persons assaulted her husband.

4. The applicant is arraigned as an accused on the basis of CCTV footage recovered during the course of investigation.

5. The learned counsel for the applicant submits that there is a different version to the said incident as according to applicant, there was some difference of opinion between the accused persons and the husband of the informant in the lift with regard to the floor on which the informant and her husband wanted to alight. It is further submitted that apart from the accused persons, there were other persons also in the lift and in such a situation, the acts attributed to the applicant and the co-accused persons could not have been carried out.

6. On the other hand, learned APP submits that the ingredients of the offences are clearly made out on the basis of the statement of the informant and the investigation is still under way. No indulgence may be shown to the applicant.

7. This Court is of the opinion that further investigation may bring out the exact nature of the incident that took place on 10.05.2024. If there were other persons also traveling in the same lift, the investigation may reveal further facts. It appears that the applicant has no criminal antecedents, he is a resident of Aurangabad and he runs a cafe. He has undertaken to appear before the Investigating Officer and to co-operate with the investigation. Hence, while keeping the present application pending, the applicant can be granted interim relief, subject to specific conditions.

8. In the meanwhile, the following interim order is passed:-

A. Till the next date, in the event the applicants are arrested in connection with FIR No.0630 of 2024 dated 11.05.2024 registered with Hinjewadi Police Station, District - Pimpri Chinchwad, they shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount;

B. The applicant shall appear before the investigating officer on 29.11.2024 and 30.11.2024 and thereafter as and when required by the investigating officer;

C. The applicant shall in no manner try to reach out or to contact the informant during the pendency of the application.

D. The applicant shall not influence the informant, witness or any person concerned with the case and he shall not tamper with the evidence.

9. Needless to say, violation of any of the aforesaid conditions may result in this order being cancelled.

10. List the application for further consideration on 7th January 2025, to be included in the Supplementary List."

3. The learned APP submits that the applicant was unknown to the victim and therefore it is necessary to conduct test identification parade. It is submitted that the applicant, therefore may not be released on anticipatory bail.

4. It transpired during the course of hearing of the present application that prosecution has not conducted the T.I Parade of other co-accused who were arrested and were unknown to the victim. Considering the overall facts and circumstances and as there are no other criminal

antecedents against the present applicant, I am inclined to confirm the interim order passed by this Court dated 27.11.2024.

5. The applicant shall however, attend the concerned police station twice in a month,i.e., on 1st and 3rd Saturday between 11.00 am to 2.00 pm, till filing of the charge-sheet and thereafter once in a month, i.e., on 1st Saturday between 11.00 am to 2.00 pm, till conclusion of trial.

(N. R. BORKAR, J.)