

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 972 OF 2026

Omprakash Bishwambharlal Saraf ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

Ms. Sunaina Chakravarty a/w Mr. Jitesh Agarwal, Advocates for Applicant.

Ms. Anagha Deshmukh, APP for Respondent – State.

Mr. John Pillai – PSI, Vile Parle Police Station.

CORAM : ASHWIN D. BHOBE, J.

DATE : 6th MAY, 2026

P.C. :

1. Heard Ms. Sunaina Chakravarty, learned Advocate for the Applicant and Ms. Anagha Deshmukh, learned APP for the Respondent – State.

2. By the present Application, the Applicant is seeking pre-arrest bail, apprehending arrest in FIR bearing No. 307 of 2026 registered with Vile Parle Police Station, Mumbai (“FIR”) for the offences punishable under Section 74 & 75(2) of the Bharatiya Nyaya Sanhita, 2023. The Applicant is the sole Accused in the present crime.

3. The case of the prosecution is that the Informant appeared for an interview at a Company known as “Apna Organic Pvt. Ltd.”, of which the Applicant is the Director. It is alleged that on the first day of joining duty, the Applicant expressed his sexual lust towards the Respondent No. 2. It is further alleged that the Applicant called the Respondent No. 2 into his cabin with sexual intent and touched her inappropriately. Based on the complaint filed by the Respondent No. 2, the FIR was registered.

4. Ms. Sunaina Chakravarty, learned Advocate for the Applicant, states that Respondent No. 2 (Informant) has been served in this Application. She further states that the Applicant is 65 years of age and that there is urgency, as the Applicant apprehends arrest in the FIR at any moment.

5. Ms. Sunaina Chakravarty, learned Advocate for the Applicant, submits that the allegations made by the Respondent No. 2 in the complaint, on the face of it are false and improbable. She submits that the Company premises where the alleged incident is stated to have occurred are under CCTV surveillance. She further submits that the accusations are made by Respondent No. 2

with the intent to extort money from the Applicant.

6. Ms. Anagha Deshmukh, learned APP for the State, submits that several attempts made by the Investigating Officer to locate the Respondent No. 2 for recording her statement under Section 183 of BNSS have been futile. She further submits that, despite the issuance of several notices to the Respondent No. 2 to appear before the Investigating Officer, Respondent No. 2 has not responded; consequently, the investigation is held up due to the non-cooperation by the Respondent No.2.

7. Perusal of the FIR, prima facie, creates a doubt in the context of the occurrence of the incident as alleged by the Respondent No. 2. Further, the reluctance of the Respondent No. 2 to cooperate in the investigation and/or even to appear before the Investigation Officer is a circumstance that weighs in favour of the Applicant for consideration of this Application.

8. Ms. Anagha Deshmukh, learned APP for the State, submits that in view of the non-cooperation by Respondent No. 2 in this matter, the custodial interrogation of the Applicant is not required. She, however, submits that the Applicant should be

subjected to conditions, including reporting to the Investigating Officer as and when required.

9. In view of the above, the Anticipatory Bail Application is allowed on the following conditions:-

(a) In the event of arrest of the Applicant in FIR No. 307 of 2026 (impugned FIR) registered with Vile Parle Police Station, the Applicant shall be released on bail on furnishing a PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one or two local sureties in the like amount.

(b) Applicant shall appear and report to the Investigating Officer of the Vile Parle Police Station Mumbai as and when required by the Investigating Officer.

(c) Applicant shall not directly or indirectly make any inducement, threat or promise to any person/s acquainted with the facts of the case to dissuade such person/s from disclosing the facts to the Court or any police officer.

(d) Applicant shall not tamper with evidence in any manner.

(e) Applicant shall provide the Investigating Officer with his residential address along with proof, his contact number, email and must inform the Investigating Officer of any changes to this information from time to time.

(f) Applicant shall cooperate with the Investigating Officer in the process of investigation of the present Crime.

8. Anticipatory Bail Application No. 972 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)