

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

ANTICIPATORY BAIL APPLICATION NO.468 OF 2021

Shailesh Lalbahadur Pal .. Applicant
Vs.
The State Of Maharashtra .. Respondent

.....
Ms. Dhanashree M. Lad a/w Abdul Aziz Khan, Advocate for Applicant.
Mrs. M.R. Tidke, A.P.P. for the State-Respondent.
.....

Arjun M. Kadam
Digitally signed by Arjun M. Kadam
Date: 2021.03.02 15:01:39 +0530

**CORAM : PRAKASH D. NAIK, J.
DATE : 26th FEBRUARY, 2021**

PC.

1. This is an application for anticipatory bail in connection with C.R. No.1613 of 2020 registered with Dahisar Police Station for offence punishable under Sections 354-A, 354-D of Indian Penal Code (for short "IPC") and Section 12 of the Protection of Children from Sexual Offences (for short "POCSO") Act, 2012.

2. The FIR was lodged by victim girl aged about 16 years on 16th December 2020. It is alleged that the victim was at home since the classes are not conducted physically on account of pandemic. The accused is the neighbour of complainant. He used to visit the house of complainant since the wife of the accused used to talk with the

complainant's mother. The applicant gave mobile phone call to the complainant and insisted complainant to talk with him. He was asking her to meet him alone. He gave repeated calls to the complainant and started talking her. On 08th December 2020 while she was at the public water tap, the accused told her to meet him alone. He made repeated calls and used objectionable language. Hence, the complaint was lodged on 16th December, 2020.

3. The contention of the applicant is that he has been falsely implicated in this case. The offence punishable under Section 354-D of the IPC is bailable. The applicant had already handed over the cellphone to the Investigating Officer. He is willing to co-operate with the investigation.

4. Learned APP submitted that the applicant is involved in harassing the victim though he is married person. It is admitted that for the purpose of investigation, the cellphone of the applicant is taken by the investigating Officer. Considering the nature of the offence, applicant need not be subjected custody and he can be granted anticipatory bail but subject to stringent conditions. Hence, the following order:-

ORDER

- (i) Anticipatory bail application No.468 of 2021 is allowed.
- (ii) In the event of arrest of the applicant in C.R. No.1613 of 2020 registered with Dahisar Police Station, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs. 25,000/- with one or more sureties in the like amount.
- (iii) The applicant shall not visit the house of the complainant.
- (iv) The applicant shall not approach the complainant. He shall not call complainant on cellphone.
- (v) The applicant shall not harass the complainant in any manner.
- (vi) If the applicant commits breach of any condition, complainant/prosecution will be at liberty to prefer an application for cancellation of bail.

(PRAKASH D. NAIK, J.)