

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.158 OF 2016

Mahadeo s/o Jeevanrao Bajgude,
Age 39 years, Occu. Private Service,
R/o Gajanan Nagar, Nalwandi Naka,
Beed, Taluka and District Beed

..Applicant

Versus

1. The State of Maharashtra,
through the Assistant Police
Inspector, Begampura Police
Station, Aurangabad,
Taluka and District Aurangabad

2. The Commissioner of Police,
Aurangabad

..Respondents

Mr Rajendra Deshmukh, Advocate for applicant
Mrs R.K. Ladda, A.P.P. for respondents

**CORAM : N.W. SAMBRE, J.
DATE : 18th January 2016**

PER COURT

Heard Mr Deshmukh, learned Counsel for applicant at length.

2. While trying to make out the case for grant of pre-arrest bail in Crime No.0235/2015, registered on 20th December 2015 at Begampura Police Station, District Aurangabad, for the offences punishable under Sections 376, 354, 342, 509, 109 read with Sec.34 of Indian Penal Code, Mr Deshmukh would urge that in the allegations against the applicant in the crime in question are false. So as to substantiate his contention, he has invited attention of this Court to Crime No.337/2015 registered at Shivajinagar Police Station, District Beed against the complainant at the behest of present applicant, for the offences punishable under Sections 384, 385, 389, 120-B and under Section 65 (E), 67 (A) of the Information Technology Act.

3. Mr Deshmukh then would urge that the mobile phone instrument of the applicant is already seized by the investigating agency from the applicant. He would then urge that perusal of the F.I.R. in Crime No.337/2015 depicts the modus operandi of complainant in framing the present applicant in the crime in question. He would submit that once for extortion the complainant was booked, the same speaks of ill-intention and design of complainant of framing the applicant in false crime. He would further urge that the complainant, with her husband and her friend Laxmi has roped the applicant in the crime in question. In this background, according to him, the custodial interrogation of the applicant is not necessary.

4. Learned A.P.P., while strenuously opposing the bail application would urge that the complainant appears to be lady in distress, who was denude by the present applicant, a teacher by profession by giving false promise of providing appropriate academic assistance to the complainant and exploited her sexually. She would then urge that there is sufficient material available on record which speaks of prima facie involvement of the applicant and looking to the nature of allegations and the Sections under which the applicant is booked, the applicant is not entitled for pre-arrest bail. She would urge that custodial interrogation of the applicant is necessary, as the applicant has exploited the student by giving false promise of providing appropriate academic assistance to her.

5. Having considered the rival submissions of the parties and having perused the investigation papers, it is no doubt true that at the behest of present applicant Crime No.337/2015 came to be registered against the complainant at Shivajinagar Police Station, Beed.

6. The evidence as is available speaks of the involvement of applicant in the crime in question. Apart from above, the fact remains that the applicant, a teacher by profession has denude student in distress by giving false promise of providing academic support and has sexually exploited her. Admittedly, applicant, who is residing and working at Beed though he is neither her relative nor teacher. has visited the room at Aurangabad, where complainant was residing alone,

7. In my opinion, in the complaint specific attributions are made against the applicant. The material on record depicts prima facie involvement of the applicant in commission of crime in question. In that view of the matter, having regard to the serious offence, it will be appropriate to reject the application. As such, Criminal Application stands rejected.

(N.W. SAMBRE, J.)

vvr