

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.887/2017

Amol s/o Subhash Pawar ..vs.. State of Maharashtra athrough PSO P.S. Digras.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. A. Z. Jibhkate, Advocate for applicant.

Mr. K. L. Dharmadhikari, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 19, 2017

1. Heard Mr. Jibhkate, Advocate for applicant and Mr. Dharmadhikari, A.P.P. for non applicant-State.

2. The applicant is apprehending his arrest in connection with Crime No.538/2017 registered with Police Station, Digras, Tq. Digras, Dist. Yavatmal for an offence punishable under Sections 376-A read with Section 34 of the Indian Penal Code and under Sections 3 and 8 of the Protection of Children From Sexual Offences Act, 2012.

3. According to the reply filed on behalf of the State, the custody of the presence of the applicant is necessary for seizure of mobile phone which he had used to make phone calls to the victim.

4. In my view, for the said purpose the custodial presence of the applicant is not required. The said purpose can be served by directing the applicant to attend Police Station and hand over the mobile phone. Hence, following order is passed.

ORDER

- (i) Criminal Application No.887/2017 is allowed.
- (ii) The applicant-Amol Subhash Pawar, in the event of arrest in connection with Crime No.538/2017 registered with Police Station, Digras, Tq. Digras, Dist. Yavatmal for an offence punishable under Sections 376-A read with Section 34 of the Indian Penal Code and under Sections 3 and 8 of the Protection of Children From Sexual Offences Act, 2012, be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.
- (iii) The applicant shall attend Police Station, Digras, Dist. Yavatmal on 26.12.2017 and 29.12.2017 and shall hand over his mobile phone and also shall remain with the investigating officer between 11.00 a.m. to 05.00 p.m. During this period, if the investigating officer wishes, he can send present applicant for medical examination for obtaining blood sample.
- (iv) The applicant shall not try to influence the prosecutrix and shall not tamper with the evidence.

The application stands disposed of.

JUDGE