

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

CRIMINAL BAIL APPLICATION NO. 2654 OF 2018

Gaurav Shailendra More

... Applicant

Vs.

State of Maharashtra

... Respondent

...

Mr. Ajit Kenjale a/w Mr. Umesh Waydande, Ms. Pallavi Kamble
I/by Mr. Akshay Kamble.

Mr. M.G. Patil, APP for the Respondent-State.

Ms. Amruta Chavan, PSI, Crime Branch, Thane is present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 19th OCTOBER, 2018.

P.C.

1. This is an application for bail in connection with CR No. I-266 of 2018 registered with Naupada Police Station. The offence was registered under Sections 383, 384, 509 of Indian Penal Code and Section 8, 12 of POCSO Act. The applicant was arrested on 30th August, 2018.

2. Prosecution case is that informant is a student of college. He was enrolled in 2016. The victim got acquainted with the applicant and there was friendship. Applicant represented her that he is in love with her and they had exchanged their mobile phone number. Applicant had then started sending his photographs to

her and then insisted the informant that she should also forward her nude photographs and threatened her if she does not fulfill his demand he would commit suicide. Hence, the informant had complied his demand. However, subsequently, the applicant threatened her that he would circulate the photographs and demanded money from her. She was induced to part with sum of Rs.4000/-. Subsequently, he demanded Rs. 50,000/-. Hence, FIR was lodged on 30th August, 2018 and on same day the applicant was arrested.

3. Learned advocate for the applicant submitted that applicant is 20 years old boy and pursuing his studies in the college. The complainant and the applicant were acquainted with each other. It is the prosecution case that there was friendship between complainant and the applicant and complainant had forwarded her photographs to the applicant. It is submitted that mobile phone of the applicant has been seized by the police and mobile phone has been forwarded to the C.A. for analysis. It is further submitted that applicant was initially in police custody and subsequently remanded to judicial custody. Further detention of the applicant is not necessary.

4. Learned APP submitted that the informant was minor aged

about 17 years. Applicant was student of the same college. Photographs were forwarded to the applicant by the victim under coercion issued by him and he extorted amount of Rs.4000/- from the informant and there is likelihood that the applicant would repeat such act with other minor girls. Cell phone has been forwarded to the analyser and the report is awaited. Chargesheet is yet to be filed.

5. On perusal of the First Information Report, it is apparent that applicant is a student of the same college where the informant was studying and they were acquainted with each other. Friendship between both of them had developed in July, 2017. The informant had stated that both had exchanged their mobile phone number with each other and she had forwarded her nude photographs to the applicant under coercion. It is alleged that applicant used to threaten that he would commit suicide by consuming poison and hence under the said threat she forwarded the photographs to the applicant. Applicant is in custody from 30th August, 2018. Mobile phone in which objectionable photographs were found has been seized by the police. CA report is awaited. However, cell phone is in custody of the police. Further custodial interrogation of the applicant is not necessary and he is in judicial

custody and the investigation qua applicant is almost concluded. Considering the fact that applicant is a student aged about 20 years and the circumstances as stated herein above, bail can be granted to the applicant on certain terms and conditions.

ORDER

- i. Criminal Bail Application No. 2654 of 2018 is allowed;
- ii. Applicant is directed to be released on bail in CR No. I-266 of 2018 registered with Naupada Police Station on furnishing P.R. Bond in the sum of Rs.20,000/- with one or more sureties in the like amount;
- iii. Applicant is permitted to furnish cash security in the sum of Rs.20,000/- for a period of four weeks;
- iv. Applicant shall report Investigating Officer of concerned police station once in a week on Saturday between 10 a.m. to 12 noon till filing of the chargesheet. Thereafter, applicant shall report concerned police station once in a month on first Saturday of the month between 10 a.m. to 12.00 noon till further order;
- v. Applicant shall not threaten or approach in any manner to the complainant;
- vi. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)

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by
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Kuttan Nair
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