

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

CRIMINAL APPLICATION (ABA) NO. 238 OF 2020
(Sanjay s/o Dayaram Saneshwar, Nagpur Vs. State of Maharashtra)

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

Court's or Judge's orders.

Shri S. Borkute, Advocate for the applicant.
Shri A.R. Chutke, A.P.P. for the non-applicant/State.

CORAM : PUSHPA V. GANEDIWALA, J.
JULY 21, 2020.

Heard the learned counsel for the parties through Video Conferencing and they agreed that the audio and visual quality is proper.

2. This application is filed by the applicant apprehending his arrest in connection with Crime No. 949/2019 dated 07/09/2019 registered at Police Station, Frezarpura, District Amravati for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code.

3. The informant is the wife of the applicant.

4. The main grievance of the informant is that the applicant published her objectionable photographs on an electronic media in order to compel her to give divorce.

5. The learned A.P.P. objects the application mainly on the ground that the impugned mobile phone/s and sim card/s with photographs are to be seized from the applicant and therefore, his custodial interrogation is necessary.

6. Learned counsel for the applicant, on instructions, submits that the applicant undertakes to surrender his mobile phone/s with sim card/s to the Investigating Officer and is ready to co-operate during investigation.

7. Considering the aforesaid facts, in my opinion, with conditions, the applicant deserves protection and accordingly, I pass the following order :-

ORDER

1. The Criminal Application is allowed.
2. In the event of arrest of the applicant in Crime No. 949/2019 dated 07/09/2019 registered at Police Station, Frezarpura, District Amravati for the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, he shall be released on anticipatory bail on furnishing PR bond of Rs.15,000/- (Rs. Fifteen thousand) and one or two surety bonds in the like amount.
3. The applicant shall co-operate during the investigation and shall attend the concerned Police Station weekly i.e. on Thursday between 11.00 am to 02.00 pm and/or make himself available as and when called by the Investigating Officer, pending trial.
4. The applicant to surrender his mobile phone/s with sim card/s forthwith.
5. The applicant shall not in any manner tamper with the evidences.

6. The Criminal Application is accordingly stands disposed of.

7. The observations made above is only for granting bail to the applicant and it shall not come in the way of the trial Court during trial.

This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE

Sumit