

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (ABA) of 2020 (LD-VC No. 777 of 2020)
[Swapnil Vijay Gupta and anr. Vs. State of Maharashtra]

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri. A. Shukla, Advocate for the applicant
Shri C.A. Lokhande, APP for the respondent

CORAM : M. G. GIRATKAR, J.

DATE : 17/07/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned Counsel Shri Shukla for the applicant.

3. Issue notice to the respondent.

4. Shri C.A. Lokhande, learned APP waives notice for the respondent/State.

5. The complainant – Sajay Godse lodged report stating that on 18.06.2020 at about 01.45 p.m. one Riya called on his whatsapp mobile number and told him that if he wants to invest money, he may come to her residence. Therefore, he went to Karve Nagar. Riya was standing in the gallery. She called him. When he entered in the house, other three boys aged about 20 to 25 years entered there and beat on his face. They compelled the complainant to remove his clothes and taken nude video. They compelled the complainant to seat on their motor bike and taken him

to Somalwada Chowk. They compelled him to withdraw Rs.20,000/- from ATM. After withdrawal of that amount, they snatched the amount of Rs.20,000/- and ran away. One accused – Riya came to be arrested and she is released on bail. The applicants filed anticipatory bail application before the Sessions Court, Nagpur, In the say, Investigating Officer has stated that during investigation, the complainant has stated that the accused persons threatened to kill him by pointing out pistol and snatched Rs.20,000/- from him. Out of Rs.20,000/-, Rs.15,000/- is recovered from Riya. It is stated in the say that Investigating Officer has to recover Rs.5,000/- and pistol (weapon) used in the crime from the applicants.

6. Learned Counsel Shir Shukla has submitted that Riya had love affair with the complainant. He used to pay her money. Wife of the complainant came to know about their love affair and, therefore, false complaint is lodged against the applicants. Learned Counsel has submitted that as per the report, there is no whisper about the use of weapon. It is a matter of investigation.

7. The complainant stated in his statement that at the time of commission of crime, he was threatened by pointing out pistol. He was taken to the ATM. He was compelled to withdraw Rs.20,000/-. Accused persons snatched that amount.

8. Offences punishable under Sections 392, 363, 341 and 506 of the Indian Penal Code are registered against the applicants. Looking to the allegations, custodial

interrogation of the applicants is required. Therefore, they are not entitled for anticipatory bail. Hence, application is rejected and accordingly disposed of.

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

JUDGE

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