

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

CRIMINAL APPLICATION (ABA) NO.632 OF 2020

(Tushar s/o Bhimraoji Ghagare Vs. The State of Maharashtra thr. PSO PS Ranapratap
Nagar, Nagpur)

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

Court's or Judge's orders.

Mr. Abhay Sambre, Advocate for Applicant.
Mrs. S.S. Jachak, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 23rd NOVEMBER, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. The applicant is seeking pre-arrest protection in Crime 210/2020 registered with Police Station Ranapratap Nagar, Nagpur for offences punishable under section 377, 506, 500 read with section 34 of the Indian Penal Code.

3. Vide order dated 26.10.2020 this Court granted interim protection with the following observation:

5] Perusal of the first information report lodged on 20.09.2020 shall reveal that almost every allegation is against the main accused Manish. Even if the report is taken at face value, all that is stated is that the applicant was always in the company of the main accused Manish. It appears that there is some embellishment at a later stage. Be that as it may, according to the

applicant the complainant attempted to extort money and even before she lodged the report the applicant submitted complaint dated 12.09.2020 before the police which is followed by complaint dated 29.09.2020.

4. This Court further directed the applicant to attend the concerned police station on 28th, 29th and 30th October 2020 from 11:00 a.m. to 04:00 p.m. and to co-operate with the Investigating Officer.

5. The State has filed affidavit in response. It is not the case of the prosecution that the applicant has not attended the police station. There is nothing in the affidavit in response which would alter the *prima facie* impression of this Court, while granting interim protection. It is not disputed that the allegation that the applicant showed a video clip to the complainant is conspicuous by its absence in the report initially lodged. It is not even the case of the prosecution that the custodial interrogation is necessary.

6. The interim protection granted vide order dated 26.10.2020 is made absolute with the only modification that till the charge-sheet is filed the applicant shall attend the concerned police station, as and when directed by the Investigating Officer.

JUDGE