

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

CRIMINAL APPLICATION (ABA) NO.656 OF 2020

(Dhiraj s/o Bhimrao Manwar and another Vs. State of Maharashtra thr. PSO PS Arvi,
Dist. Wardha)

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

Court's or Judge's orders.

Mr. R.D. Wakode, Advocate for Applicant.
Mr. V.A. Thakare, 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 applicants are apprehending arrest in Crime 400/2020 for offences punishable under section 498-A, 377, 406 and 506 read with section 34 of the Indian Penal Code.

3. The crime is registered on the basis of report dated 05.10.2020. The informant is the wife of applicant 1 and the daughter-in-law of applicant 2.

4. Vide order dated 02.11.2020 this Court granted interim protection with the following observation:

7. Mr. Raj Wakode would submit that the marriage was solemnized on 31.10.2019 at

Amravati. The complainant resided with her matrimonial family at Arvi for six days and then the newly married couple shifted to Nagpur. The complainant left the company of the applicant 1 on 03.02.2020.

8. Mr. Raj Wakode would submit that the complainant issued an elaborate notice through counsel on 07.05.2020, and conspicuous by its absence is the allegation that the applicant 1 recorded either sexual act or the private moments on mobile. Such an allegation is made for the first time in the report which is belatedly lodged.

9. Perusal of the notice dated 07.05.2020 would indicate, that while the complainant did level serious allegations, inter alia that she was forced to have unnatural sex, she still expressed willingness to cohabit with the applicant 1.

5. The applicant 1 was directed to surrender his mobile sets to the Investigating Officer and the period of attending the police station was directed to be treated as deemed custody. It is not in dispute that the applicants have attended the police station and that the applicant 1 has surrendered the mobile.

6. The State has filed an affidavit in response. The submission of the learned counsel for the applicant that in the legal notice the allegation that obscene photographs were taken or that the private moments were recorded is absent, is not refuted.

7. Considering the nature of the accusations and

the material on record, the interim protection granted vide order dated 02.11.2020 is made absolute with the only modification that till the charge-sheet is filed, the applicants shall attend the concerned police station as and when directed by the Investigating Officer.

JUDGE

NSN