

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

CRIMINAL APPLICATION (ABA) NO. 12 OF 2021

(Gaurav Girdharilal Uppal @ Gaurav Kumar ..vs.. State of Maharashtra, through PS Buldhana City,
Buldhana)

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

Court's or Judge's orders

Mr. U.J. Deshpande, Counsel for the applicant,
Mr. N.R. Rode, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 12-01-2021

Heard.

2. The applicant is apprehending arrest in Crime 768/2020 registered with Buldhana City Police Station, Buldhana for offences punishable under Sections 354, 354-A and 354-D of the Indian Penal Code.

3. The crime is registered on the basis of report dated 23-10-2020 alleging that she received obscene messages from Mobile 7977695411.

4. During the course of investigation, it transpired that the messages, some of which border on the perverse and pornographic, are sent by the applicant.

5. I have perused the reasons recorded by the learned Sessions Judge for rejecting the pre-arrest protection and I am inclined to take a similar view.

6. In absence of arrest and custodial interrogation and recovery of the more than one mobile sets, one of which was used to send the pornographic messages and the other on which the husband of the complainant called to confront the applicant which shall have to be seized, the investigation shall be adversely affected. In any event, considering the nature of the allegations, no discretion can be exercised in favour of the applicant.

7. The application is dismissed.

JUDGE

adgokar