

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

CRIMINAL APPLICATION (ABA) NO.161 OF 2021

(Avtarsingh s/o Mahendrasingh Dhunna Vs. State of Maharashtra thr. PSO PS
Shantinagar, Nagpur)

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

Court's or Judge's orders.

Mr. R.K. Tiwari, Advocate for Applicant.
Mrs. K.R. Deshpande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 5th APRIL, 2021.

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

2. The applicant is apprehending arrest in Crime 47/2021 registered with Police Station Shantinagar, Nagpur for offences punishable under Sections 392, 354-D of the Indian Penal Code and Section 66-C, 66-D of the Information Technology Act, 2000.

3. The applicant was granted interim pre-arrest protection subject to the conditions that he shall attend the police station and shall surrender the mobile along with the sim-card. While the mobile is surrendered, the learned APP Mrs. Deshpande states that the sim-card is not surrendered. The learned counsel for the applicant Mr. Tiwari submits

that the sim-card was retained by the complainant and it was only the mobile which was handed over to the applicant.

4. I have perused the material in the case diary including the statement of the witness Mr. 'M'. *Prima facie*, it does appear that there was some acquaintance if not relationship between the applicant and the complainant, which turned sour. The mobile in question belongs to the applicant, is what is *prima facie* discernible from the material in the charge-sheet.

5. Considering the material in the charge-sheet, I am satisfied that the applicant has made out a case for confirmation of the interim pre-arrest protection.

6. The interim pre-arrest protection granted vide order dated 12.03.2021 is made absolute on the same terms and conditions subject to the only modification that till the filing of the charge-sheet, the applicant shall attend the concerned police station as and when required by the Investigating Officer.

JUDGE