

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

Criminal Application (ABA) No. 212 of 2021

(Roshan Kailash Rathod ..vs.. State of Maharashtra through P.S.O., P.S., Digras, Dist. Yavatmal)

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

Court's or Judge's orders

Mr. R. J. Shinde, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 31-03-2021

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

2. The applicant, who is relatively young and is a student, is apprehending arrest in Crime 142/2021 registered with Police Station, Digras, Tah. Digras, District Yavatmal for the offences punishable under Sections 354, 354-D, 363, 500 and 506 read with Section 34 of the Indian Penal Code, Section 12 of the Protection of Children from Sexual Offences Act and Sections 67A and 67B of the Information Technology Act.

3. The learned Sessions Judge, who rejected the pre-arrest protection, has noted that custodial interrogation

is necessary for seizure of mobile, sim card, memory card etc. since the allegation is that it is the applicant who circulated indecent photographs of the victim.

4. Vide order dated 25-3-2021, this Court granted interim pre-arrest protection subject to certain conditions. This Court directed thus :

“6. Considering that the applicant is aged 18 years and is a student and in view of the submission of Mr. Shinde that the applicant would cooperate with the investigation and shall surrender his mobile etc., till the next date of hearing, the applicant can be protected.

7. In the event of arrest of the applicant in Crime 142/2021 registered with Police Station, Digras, Tah. Digras, District Yavatmal for the offences punishable under Sections 354, 354-D, 363, 500 and 506 read with Section 34 of the Indian Penal Code, Section 12 of the Protection of Children from Sexual Offences Act and Sections 67A and 67B of the Information Technology Act, the applicant be released on furnishing PR bond of ₹ 25,000/- (Rupees Twenty Five Thousand) with solvent surety of like amount.

8. The applicant shall attend the concerned police station on 27th and 28th March, 2021 from 10.00 a.m. to 4.00 p.m. and shall cooperate with the Investigating Officer.

9. The period of attendance shall be treated as deemed custody for the purpose of Section 27 of the Indian Evidence Act.

10. It is made clear that if the applicant does not cooperate with the Investigating Officer, as is the assurance given, the non-cooperation may result in cancellation of pre-arrest protection.”

5. It is fairly stated by learned Additional Public Prosecutor Mr. Mehroz Pathan that the applicant has attended the police station and has surrendered the mobile etc.

6. Considering young age, that he is a student and that the investigation shall not suffer, if he is protected, the interim pre-arrest protection granted vide order dated 25-3-2021 is made absolute with the only modification that till filing of the charge-sheet, the applicant shall attend the concerned police station as and when required by the Investigating Officer.

7. The application is disposed of.

JUDGE

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