

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

CRIMINAL APPLICATION (ABA) NO.223 OF 2021

(Chetan s/o Dilip Jaomdkar Vs. State of Maharashtra thr. PSO PS Shegaon City, Tq.
Shegaon, Dist. Buldhana)

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

Court's or Judge's orders.

Mr. K.H. Anandani, Advocate for Applicant.
Mr. N.S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.
DATE: 23rd APRIL, 2021.

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

2. Heard.

3. The applicant is apprehending arrest in Crime 98/2021 registered with the Police Station Shegaon City, Tahsil Shegaon, District Buldhana for offences punishable under Sections 376, 417, 506 of the Indian Penal Code, on the basis of report dated 08.03.2021 lodged by Ms. 'J'.

4. The allegation is that the applicant befriended Ms. 'J', induced her to succumb to sexual demand by promising marriage, threatened to put in public domain her nude photographs and extorted substantial amount. I have perused the investigation papers *inter alia* the statement recorded under Section 164 Cr.P.C. and the medical papers.

I have further perused the statements of the witnesses recorded during the course of investigation. I am satisfied that there is more than ample material on record to link the applicant with the crime.

5. The submission that the applicant is entitled to pre-arrest protection in view of the delayed report, cannot be countenanced. The informant was threatened and pressurized and was apparently apprehending serious social stigma, particularly since she was threatened that her nude photographs shall be circulated. In such a situation, the alleged delay of 22 days in lodging the report, is of no relevance.

6. The allegations are extremely serious. The applicant is already facing prosecution under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956. The allegation of the prosecution is that the applicant was operating a brothel and was inducing gullible women to indulge in prostitution.

7. No discretion can be exercised in favour of the applicant, particularly since custodial interrogation is absolutely imperative.

8. The application is dismissed.

JUDGE