

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

CRIMINAL APPLICATION (ABA) NO.299 OF 2021
WITH
CRIMINAL APPLICATION (APPP) NO.781 OF 2021

Dr. Amol Gulabrao Badge

...**Versus**...

State of Maharashtra, through P.S.O., P.S. Saoner, Dist. Nagpur.

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

Court's or Judge's

Shri. A. A. Mardikar, Advocate for applicant
Shri. M. K. Pathan, APP for respondent/State.

CORAM : **N. B. SURYAWANSHI, J.**
DATE : **25th JUNE, 2021.**

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

2. The applicant apprehends his arrest in Crime No.0213 of 2021 registered with Saoner Police Station District Nagpur for the offences punishable under Sections 354, 354-A, 354-B and 354-D of the Indian Penal Code

3. The informant in F.I.R. alleges that she went for Sonography to the applicant. During Sonography, the applicant inappropriately touched her stomach and her private part. Thereafter, the applicant sent WhatsApp messages on her cell phone and stalked her.

4. Heard the learned Advocate for the applicant and the learned APP for respondent/State. Perused the Case Diary.

5. The applicant being Doctor is doing Medical practice since 2006. He obtained Diploma in Radiology in the year 2017 and started practice in Radiology.

6. The applicant submits that he followed the protocol of Sonography test by keeping one Nurse Pratiksha Dhawle present at the time of informant's Sonography. Mother of the informant was accompanying her. Further submission is that the CCTV footage of the applicant's Clinic is available, wherein after conducting the Sonography, the applicant and the informant are seen discussing about the line of treatment. Learned APP submitted that he would instruct the Investigating Officer to verify the said aspect.

7. On going through the WhatsApp messages exchanged between the applicant and the informant, there is no objectionable messages sent by the applicant. The messages forwarded by the applicant appear to be in response to the messages of the informant.

8. After going through the investigation papers and taking into consideration the fact that the applicant was granted interim protection vide order dated 11.05.2021 and the applicant has

attended the Police Station and has cooperated in the investigation, pre-trial custodial detention of the applicant is not necessary. Hence the following order :

- i) Criminal Application (ABA) No.299 of 2021, is allowed by confirming the interim order dated 11.05.2021.
- ii) Till the filing of the charge sheet, the applicant shall attend the concerned Police Station as and when called by the Investigating Officer.
- iii) The applicant shall not tamper the prosecution evidence.

(N. B. SURYAWANSHI, J.)