

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

CRIMINAL APPLICATION [ABA] NO.478/2021.

Ashok Maruti Meshram.

-VERSUS-

The State of Maharashtra, P.S. Yashodhara Nagar, Nagpur.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri U.P. Dable, Advocate for the Applicant.
Shri H.D. Dubey, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : AUGUST 20, 2021.

Heard.

2. In anticipation of arrest in Crime No.418/2021 registered with the Non-applicant – Yashodhara Nagar Police Station, Nagpur for the offence punishable under Sections 354, 354-A, 354(D)(1), 354(D)(2) and 506 of the Indian Penal Code, the applicant is praying for pre-arrest protection.

2. The State has resisted the bail by filing reply-affidavit. It is contended that the offence is of serious nature. Though the applicant is a

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superior police officer, he has sexually harassed his subordinate. There is ample material against the applicant, hence the resistance.

4. The informant was serving as a Home Guard and was attached to Yashodhara Nagar Police Station. She stated that the applicant initially sent her messages and by taking disadvantage of his position on the date of incident, called her in the chamber and made advances. Particularly it is alleged that the applicant has caught hold the victim and moved hand on her head.

5. This Court has granted ad-interim protection to the applicant with a direction to attend the office of the investigating officer. It is submitted that the applicant has surrendered his mobile phone to facilitate investigation and after registration of the crime, he has been transferred to control room.

6. It reveals from the reply that the police have recorded statement of several persons,

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collected CCTV footage and drawn spot panchnama. The mobile handset is already surrendered. No substantial ground is made out for custodial interrogation. The applicant being public servant, there is no possibility of abscondance. Having regard to the nature of crime, the purpose of investigation could be served if the applicant is directed to attend the police station. In view of that following order is passed.

- (i) Criminal Application is allowed and disposed of.
- (ii) Ad-interim protection granted to the applicant vide order dated 30.07.2021, is made absolute on the same terms and conditions.
- (iii) The applicant shall continue to attend the office of the Investigating Officer, as directed earlier till the filing of the charge sheet.
- (iv) Breach of any of the conditions, would give liberty to prosecution to move this Court for cancellation of bail.

JUDGE

Rqd.