

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

CRIMINAL APPLICATION (ABA) NO.583 OF 2020

(Mohit s/o Bharat Bhalvi Vs. The State of Maharashtra thr. PSO PS Gondia City,
Gondia)

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

Court's or Judge's orders.

Mr. V.S. Mishra, Advocate for Applicant.
Mr. N.R. Rode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 9th JANUARY, 2021.

The applicant is apprehending arrest in Crime 608/2020 registered with Police Station Gondia City, Gondia for offence punishable under section 354 of the Indian Penal Code read with section 8 and 12 of the Protection of Children from Sexual Offences Act.

2. The crime is registered on the basis of report dated 03.09.2020 lodged by Ms. 'M' alleging sexual misconduct.

3. The incident allegedly occurred on 29.08.2020. According to Ms. 'M' she accompanied the applicant to a hotel since she was given to understand that her brothers would accompany there. However, the brothers did not reach the hotel and she was told that there could not make it since they had to go to the sand ghat. Ms. 'M' alleged that

after lunch, when she and the applicant were sitting in the garden of the hotel, the applicant touched her inappropriately. *Prima facie*, the report is delayed. It would be obviously for the trial court to consider the implication thereof. However, in so far as granting pre-arrest protection is concerned, custodial interrogation is not necessary and there is no impediment in protecting the applicant.

4. The pre-arrest protection granted vide order dated 05.10.2020 is made absolute.

JUDGE