

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

CRIMINAL APPLICATION (ABA) NO.687 OF 2020

(Budhabhushan s/o Dinkar Ingole Vs. State of Maharashtra thr. PSO PS Old City
Akola, Tah. & Dist. Akola)

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

Court's or Judge's orders.

Mr. Rushabh Khemuka, Advocate h/f Mr. Anil Mardikar, Senior Counsel for
Applicant.

Mr. N.R. Rode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 22nd JANUARY, 2021.

The applicant is apprehending arrest in Crime
122/2020 registered with Police Station Old City, Akola for
offences punishable under sections 376, 376(2)(n), 417 and
506 of the Indian Penal Code.

2. The crime is registered pursuant to First
Information Report dated 19.06.2020 lodged by Ms. "T".

3. The substratum of the report is that the
applicant, who is a member of the armed forces, and the
informant got acquainted on social media. The acquaintance
developed into a more intimate relationship. The applicant
expressed his love for the informant and suggested
marriage. Initially the informant refused to oblige,
subsequently she was convinced that the applicant was
serious about the relationship and she consented to

marriage. The report then makes a reference to the applicant establishing sexual contact with the informant at a guest house in Shegaon. It is then alleged that even after the said incident, on multiple occasions the applicant forced the informant to succumb to sexual demand. According to the informant, the applicant disclosed that he was in possession of certain photographs showing the informant in compromised position and used the photographs as a leverage to pressurize to the informant to agree to sexual relationship.

4. Finally the informant alleges that the applicant refused to marry her and declared that he was fond of using woman as “toys”.

5. The applicant has complied with the condition of ad-interim protection. The mobile sets are duly deposited and are forwarded to the Forensic Laboratory. The mobile set of the informant too is seized and sent for forensic analysis.

6. I repeatedly asked the learned APP to explain whether the Investigating Officer has satisfied himself, that the so called conversations or photographs which according to the informant were forwarded on her mobile, are discernible. The Investigating Officer could have, merely scrolling through the data, at least *prima facie*, assessed the truth. However, it is fairly stated by the learned APP Mr. Rode that without even perusing the data, the mobile

sets sent for analysis.

7. Considering the nature of the accusations and the material on record, the interim protection granted vide order dated 09.11.2020 is made absolute with the only modification that till the filing of the charge-sheet, the applicant shall attend the concerned police station as and when required. The Investigating Officer shall give a notice of at least ten days to the applicant if the applicant's presence is required.

JUDGE

NSN