

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.296 OF 2022

SOU. ASHA VILAS KHADSE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. S. S. Deshmukh
APP for Respondent-State : Mr. B. V. Virdhe
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CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 31-03-2022

ORDER :

1. The applicant is apprehending her arrest in connection with Crime No.15 of 2022, dated 22-01-2022, registered with Hingoli Rural Police Station, District Hingoli, for the offence punishable under Section 384 r.w.34 of Indian Penal Code.
2. Learned Advocate appearing for the applicant submitted that the name of the present applicant is not appearing in the FIR. Co-accused Rahul Suresh Kamble and Akash Tryambak Jirvankar have been arrested and it appears that they have disclosed the name of the present applicant. The said piece of evidence is not at all admissible in the eyes of law. Though it is stated that a lady is involved in the offence, it cannot be said that it is the applicant. The custodial

interrogation of the applicant is not required.

3. The learned APP strongly opposed the application and submitted that in fact it is a case of honey trap. Accused Rahul Kamble got acquaintance with the informant and called him to meet at Washim on 10-11-2021. He states that he was taken in somebodies house and he was made unconscious after consumption of tea. After he gained consciousness, he was brought by Rahul to Washim Bus Stand and then he returned to home. But two to four days thereafter, Rahul had then told that he is having photographs and video shooting of the informant with a lady in obscene condition. He gave threat that he would make them viral and if he does not want to be defamed, he should pay the amount. Due to fear of being defamed, informant gave amount of Rs.1,10,000/-. Thereafter, again after some days, Rahul asked him to give amount of Rs.2,20,000/- and accordingly it was paid by the informant. Even after that, within four days, again call was given and amount of Rs.1,16,000/- was demanded and paid by the informant. Thereafter, again there was demand of Rs.7,00,000/-. Informant collected the amount and gave it to Rahul Kamble at Naka Kanhergaon. At that time accused Rahul had taken the mobile

phone of the informant and destroyed the SIM Card and took away the mobile and amount to Washim. Informant then taking another SIM Card contacted Rahul to give the mobile and then he returned the mobile, but at that time his DATA was deleted. At that time also Rs.15,000/- amount was taken from the informant by accused Rahul. After few days again there was demand from Rahul and at that time the informant told that now he do not have any amount. Rahul then said that he should give last consignment of Rs.10,000/-, and thereafter, he will not give phone call to the informant. Informant then contacted police and it is stated that they had arranged for the trap. When informant met Rahul and took amount of Rs.3000/- and kept in his pocket, Rahul and another person i.e. Akash were arrested at the spot.

4. It has been further submitted by the learned APP that while interrogation it was disclosed by accused Rahul that the phone in which the informant was seen along with a lady, is that of the applicant and not Nisha Patil. In the earlier statement he had disclosed the name of the lady as Nisha Patil. Therefore, it is now concluded in the investigation that the present applicant by pretending herself as Nisha Patil had involved the informant in

obscene act, and thereafter, with her common intention with co-accused, they have taken amount of Rs.11,64,000/- It has also been disclosed by accused Rahul that the present applicant purchases girls and through them she is in the flesh business. The custodial interrogation of the applicant is necessary in order to burst a big racket of honey trap.

5. As the contents of the FIR are reflected earlier, they are not repeated. Statements of witnesses have been recorded. Name of the present applicant was not appearing in the FIR. It came to be revealed only after accused Rahul made the statement. What use of the said statement has been made by the Investigating officer is required to be considered. The Investigating Officer has not conducted any further investigation after the said statement of accused No.1 which has no evidential value. The police papers at present do not contain any such material which can be said to be obscene in nature and the photograph is disclosing that the lady with the informant is the applicant. Therefore, when this connecting circumstances is not appearing at this stage, the applicant will have to be protected. Hence, following order.

ORDER

- 1) Application stands allowed.
- 2) The interim protection granted to the applicant by this Court on 15-03-2022 is hereby confirmed. In other words, in the event of arrest of the applicant Asha Vilas Khadse, in connection with Crime No.15 of 2022, dated 22-01-2022, registered with Hingoli Rural Police Station, District Hingoli, for the offence punishable under Section 384 r.w.34 of Indian Penal Code, she be released on PR Bond of Rs.50,000/- with two solvent sureties of Rs.25,000/- each.
- 3) Applicant to attend Hingoli Rural Police Station, District Hingoli, on every Wednesday in between 10.00 a.m. to 02.00 p.m., till filing of charge-sheet.
- 4) Applicant shall not tamper with the evidence of the prosecution in any manner.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-.