

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1032 OF 2022**

Kavita Vishal Chaudhari & Anr.] ... Applicants

Vs.

The State of Maharashtra] ... Respondent

**ALONG WITH
INTERIM APPLICATION NO.2080 OF 2022**

Ramdas Rajaram Sonawane] ... Applicant

Vs.

The State of Maharashtra & Anr.] ... Respondents

...

Mr. Kuldeep S. Patil with Mr. Prashant Hagare for the applicant.

Mr. S.H. Yadav, A.P.P. for the State.

Mr. Sudhir S. Mhatre for the intervenor.

...

CORAM : SMT. BHARATI DANGRE, J.

DATED : 05TH JULY, 2022.

P.C.:-

1. The applicants were admitted to interim protection by order dated 18/04/2022 by recording that offence under Section

325 of the IPC is bailable and as regards offences under Sections 354 and 394 of the IPC are concerned, the relationship between the parties is strained and they have filed cross complaints.

2. As far as applicant No.1 is concerned, she has lodged a complaint against the informant alleging that he had outraged her modesty. Considering the said aspect, the interim protection was granted.

3. When asked whether the applicants have co-operated with the Investigating Officer, learned A.P.P., on instructions from the Investigating Officer who is present in the court, states that the custody is required for recovery of the mobile phone and an amount of Rs.3,000/-, which is alleged to have been taken out by the applicants from the pocket of the complainant.

4. Learned A.P.P. states that the entire incident has been recorded in the C.C.T.V. footage. He has also produced the C.C.T.V. footage panchanama dated 22/04/2022. On its perusal, the submission of learned A.P.P. does not appear to be factually correct, since the happenings in the C.C.T.V. footage referred to the applicants talking to the complainant and, thereupon the complainant took out his mobile phone from the right pocket of the pant and handed it over. The C.C.T.V. footage does not contain any mention of the amount of Rs.3,000/- being picked up by the applicants.

5. In the wake of the accusations and, particularly when this court had *prima facie* recorded that the relationship between the parties is strained, and since the applicants have reported to the Police Station, the order dated 18/04/2022 deserves to be made absolute as in my considered opinion, this does not warrant any custodial interrogation of the applicants, who are the police constables. The order dated 18/04/2022 is, therefore, made absolute. It is expected that being the officials of the police department, they will act with a sense of responsibility.

6. The application is disposed off.

[SMT. BHARATI DANGRE, J.]