

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

Criminal Application (ABA) No.97 of 2022

Abdul Aslam Salam Shaikh,

Versus

State of Maharashtra, thr. P.S.O., Police Station Rajapeth, Tq. & Dist. Amravati.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.S. Shingane, Advocate for applicant.

Shri S.A. Ashirgade, A.P.P. for non-applicant/State

CORAM : ANIL S. KILOR, J.

DATED : 08 MARCH 2022

The complainant lodged a complaint against the applicant that the applicant forwarded the private photographs of the complainant to her husband and gave threats to send it to his friends, thereupon, Crime No.1390/2021 was registered with police station Rajapeth, Amravati City for the offences punishable under Sections 354, 354-A, 354-D and 506-II of the Indian Penal Code and Section 67A of the Information Technology (Amendment) Act, 2008.

2. Shri Shingne, learned Counsel for the applicant submits that as the demand of the complainant for money was not fulfilled by the complainant, the false complaint came to be lodged against the applicant. It is

submitted that even wife of the applicant has made a complaint to the police to that effect that the husband of the complainant is also demanding money. It is submitted that after the said report was lodged with the police by the wife of the applicant, no crime was registered.

3. Shri Singhne, learned Counsel for the applicant further states that the applicant is ready to surrender the mobile and whatever photographs are with the applicant to the police. Accordingly, he submits that the custody of the applicant is not necessary.

4. On the other hand, Shri Ashirgade, learned APP strongly opposed the application and submits that earlier Crime No.942/2021 was registered for the similar offence against the applicant on the complaint of the complainant and during the period when he was on bail, the applicant has committed present offence of same nature. He submits that the applicant is trying to disturb the marital life of the complainant by sending her private photographs to her husband and family friends. It is submitted that if the applicant is released on bail, there is every possibility that not only he will repeat the offence but also he will pressurize the prosecution witnesses and the complainant, he accordingly prays for rejection of the present application.

5. On perusal of the case diary and other material on record, it is revealed that there are two First Information Reports bearing F.I.R. No.942/2021 and 1390/2021 registered on complaint of Sau. Jaya Ubale against the applicant for the same nature of offence. It is further revealed that when the applicant was released on bail in Crime No.942/2021, the applicant has committed the present crime. Thus, I find substance in the submission of the learned APP that if the applicant is released on bail, there is possibility that he may repeat the offence or he may pressurize the prosecution witnesses. In that view of the matter, I am not inclined to allow the present application.

Accordingly the application is **rejected**.

[ANIL S. KILOR, J.]

R.S.Sahare