

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

Criminal Application (ABA) No. 311 of 2022

Suraj Harishkumar Vidhwani

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Gadge Nagar, Amravati, Tq. and Dist. Amravati and another

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

Court's or Judge's Order

Shri Anil Mardikar, Senior Advocate a/b Shri Ved
Deshpande, Advocate for the applicant.

Ms Mrunal Barbde, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 7th JUNE, 2022.

The applicant is seeking pre-arrest bail in Crime No. 306 of 2022 dated 14th March, 2022 registered with Police Station Gadge Nagar, Dist. Amravati City for the offence punishable under Sections 354, 354-A, 354-D, 506 of the Indian Penal Code and Sections 8 and 12 of the Prevention of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant has argued as follows :-

- a) The applicant has been falsely implicated in the alleged offence.
- b) There is a delay of two months in lodging the report.
- c) Mobile phone of the applicant has already been seized by the Investigation Officer and as there is nothing to seize or recover from the applicant.
- d) The custodial interrogation of the applicant is not necessary.

3. On the other hand, learned Additional Public Prosecutor has opposed the present application and argued as follows:

- i) The Investigating Officer has collected sufficient material to prima facie show the involvement of the applicant in the alleged offence.
- ii) The custody of the applicant is necessary for further investigation.
- iii) The applicant may be absconded and would not be available for trial.

4. I have perused the case diary and also contents of the First Information Report.

5. There is a delay of about two months in lodging the First Information Report. The explanation is that, because threats were given by the applicant that he would make the photographs of complainant viral, the complaint was not lodged.

6. From the reply of the State, it can be seen that the mobile phone has already been seized and the investigation is almost completed. In that view of the matter, I am of the opinion that custodial interrogation of the applicant in this case is not necessary. Thus, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order.

ORDER

- i. Criminal application is allowed.
- ii. Order dated 5th May, 2022 granting ad-interim anticipatory bail to the applicant is confirmed;
- iii. The applicant shall attend the concerned Police Station on **13th June, 2022, 14th June, 2022 and 15th June, 2022** between 10 am to 12 noon and thereafter as and when his presence is required.
- iv. The applicant shall not directly or indirectly make any inducement, threat or promise to any person

acquainted with the facts of the case, as also not tamper with the evidence.

v. The applicant shall not leave the jurisdiction of the concerned Police Station without permission of the Court.

The application is accordingly disposed of.

[ANIL S. KILOR, J.]

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