

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

**CRI. APPLICATION (ABA) NO.851 OF 2021**

(HEMANT SHRIKRISHNARAO BHOYAR....VS.. STATE OF MAH. THR. PSO PS YAVATMAL CITY, & ANR.)

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

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Shri P.S.Raut, Advocate for Applicant.  
Shri S.D.Sirpurkar, A.P.P. for Non-applicant No.1/State.

**CORAM : SURENDRA P. TAVADE, J.**  
**DATED : JANUARY 17, 2022.**

Heard.

2. This is an application for pre-arrest bail in Crime bearing No. 778 of 2021, registered with Yavatmal City Police Station for the offences punishable under Sections 353, 504 and 506 of the Indian Penal Code.

3. The First Information Report is filed by Head Constable of Babhulgaon Police Station on 10/10/2021. It is alleged that on 10/10/2021 the informant was proceeding towards Awadhutwadi Police Station, Yavatmal for his official duty. At about 11:50 hrs., when he was at SBI Chowk, Yavatmal, the applicant came from opposite direction and asked the informant as to why his daughter sent video clip to his father and started quarreling with him. The informant disclosed him that he was on duty and he should not be obstructed. But the

applicant did not pay any heed, caught his collar, abused him and also threatened him with dire consequences and hence, the F.I.R. came to be registered.

4. The applicant filed an application for pre-arrest bail before the trial Court, which came to be rejected on 25/10/2021, hence, the applicant filed the present application.

5. It is contended that the applicant was having love affair with the daughter of informant since long. The daughter of the informant used to call him and used to send messages on WhatsApp and similarly used to meet him at different places. The said love affair was not liked by the informant and therefore, the informant had asked her daughter to lodge F.I.R., accordingly the applicant was prosecuted for the offence punishable under Section 354 of the Indian Penal Code wherein he has been acquitted by the trial Court. It is further contended that the informant has asked his daughter to file another complaint against the applicant, accordingly, the daughter of the applicant has filed another complaint under Section 354A of the Indian Penal Code, wherein charge-sheet is filed. It is contended that in order to take revenge against the applicant false complaint has been filed by the informant.

6. It is contended that the applicant has attended the Police Station and cooperated with the Police,

therefore, custodial interrogation of the applicant is not required. It is contended that the applicant will not tamper with the prosecution witnesses and it is therefore, prayed that the application be allowed.

7. The notice of this application was served upon the non-applicant. The learned A.P.P. has filed reply, wherein it is contended that the applicant and daughter of the informant were schoolmates. It is contended that on 04/06/2017 the applicant had been to the house of the informant and threatened his daughter viz. Rutuja that he would defame the daughter of the informant with the help of photographs. The complaint came to be filed against the applicant. It is contended that the applicant is habitual offender, earlier also he was prosecuted for the offences punishable under Sections 354-D and 509 of the Indian Penal Code. It is contended that the applicant used to harass the daughter of the informant and made her life miserable. It is contended that the applicant threatened the public servant while on duty, therefore, custodial interrogation is required.

8. It appears that the applicant and daughter of the informant were having love affair. The applicant has produced on record number of documents namely photographs, CDR and copies of messages sent on WhatsApp. The applicant has also produced on record CDR of his cellphone and cellphone of the daughter of the

informant. The said CDR shows that the applicant and daughter of the informant were having regular conversation on cellphone. On this point, the learned A.P.P. submits that CDR are for the year 2020. He also submits that after 2020 the relations between the applicant and daughter of the informant are not cordial. The daughter of the informant is doing her BAMS in Ayurvedic College at Yavatmal, but still the applicant is harassing the daughter of the informant. It appears that at the relevant time the applicant and daughter of the informant were having love affair and it was continued for some period and thereafter the said relation was objected by the informant hence, two complaints came to be filed, out of which one was resulted in acquittal and on other complaint, charge-sheet is filed against the applicant, which is pending in the Court. In view of the checkered history, it appears that the relations between the applicant and the informant are not cordial. The informant is member of the police force. He lodged complaint, wherein it has been alleged that he was obstructed by the applicant. It appears that the applicant is a social worker, but it appears that his acts are objectionable. The applicant has also filed complaint against the informant for his alleged acts of corruption. So, on one hand the applicant is pretending that he is a social worker and whistle blower and on the other hand he is causing harassment to the daughter of the informant. In one case the applicant is acquitted, but another case is pending

against him. Therefore, it cannot be said that false complaint is lodged against the applicant. The investigation is required to be carried out in the matter. Therefore, it is not the case to grant pre-arrest bail in the matter.

Hence, the application is **rejected**.

(SURENDRA P. TAVADE, J)

*RRaut..*