

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

929 ANTICIPATORY BAIL APPLICATION NO.301 OF 2023

AMOL GANESHRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Vishant Prabhakar Rao Kadam
APP for Respondent – State : Mr. V.S. Badakh
...

CORAM : R. M. JOSHI, J.

DATE : 7th JULY, 2023

PER COURT :

1. Applicant is an advocate and facing apprehension of arrest in connection with Crime No.43 of 2023 registered with New Mondha Police Station, Tal. & Dist. Parbhani for the offence punishable under Section 354, 354D, 294, 341, 504 and 507 of the Indian Penal Code.

2. First Information Report indicates that applicant and informant are acquaintance of each other. It is alleged that since last 8 to 10 months applicant used to stop her. He also used to send obscene messages to her. In this regard he was advised time and again by informant and her husband, however applicant did not

refrain from indulging in such activities. Lastly the incident occurred on 18.02.2023 on the basis of which report came to be lodged.

3. Learned counsel for applicant states that from the report of the Investigating Officer filed before learned Judicial Magistrate First Class, it is clear that applicant pursuant to the protection granted by this Court has cooperated with the investigation and motorcycle as well as mobile phone which were required for the effective investigation have already been seized from him. Learned counsel further submits that custodial interrogation of applicant is not necessary.

4. Learned APP and learned counsel for informant submit that applicant being advocate is not expected indulging in such activities and not to harass informant and cause trouble in her matrimonial life.

5. On these submissions, learned counsel for applicant, on instructions, gives undertaking to the Court that applicant will not contact informant in any manner whatsoever including personal or

online, mobile contact etc.

6. There is no doubt it is not expected of anyone to keep indulging in such activities, much less advocate who is professing a noble profession. However, the Court needs to see as to whether the custodial interrogation of applicant would be necessary at this stage. Report of the Investigating Officer abundantly makes it clear that applicant has cooperated in the investigation and all relevant evidence has been collected. Applicant cannot be sent behind the bars by way of pretrial sentence. The undertaking given by applicant through his learned advocate, which is accepted, will take care of the apprehensions of informant. Hence, following order:

ORDER

- (i) Application is allowed in terms of interim relief dated 03.03.2023.

[R. M. JOSHI]
JUDGE

GGP