

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 1164 OF 2022**

Vaishanavi Rakesh Tharkude

... Appellant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Nitesh Mohite i/b. Mr. Ashish S. Vernekar for Appellant.

Ms.M.H. Mhatre, A.P.P for Respondent No.1-State.

Mr. Jaydeep Deo for Respondent No.2.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.****DATE : 17th February 2023.****P.C. :**

1. Heard Mr.Mohite, learned Advocate for Appellant, Ms.Mhatre, learned A.P.P for Respondent No.1-State and Mr.Deo, learned Advocate for Respondent No.2. Perused record.

2. By a speaking Order dated 30th November 2022 the Appellant was granted interim relief.

3. It is an admitted fact on record that, the Appellant is the daughter of principal accused Ananda Patil. It is the only allegation against her that, she received certain obscene photographs on her mobile phone showing intimacy between principal accused Ananda Patil and Respondent No.2, which she forwarded to her close relative, namely, Jotsna @ Kayal

Gaikwad. The said photographs were subsequently deleted by both of them.

4. Mr.Deo, learned Advocate for Respondent No.2 submitted that, the mobile phone of Appellant is to be seized by the police and therefore her custodial interrogation is necessary.

5. According to us, the Police are at liberty to seize the said mobile phone of the Appellant during the course of investigation and for that her custodial interrogation for the above allegation or an offence allegedly committed by her father, is not necessary.

6. In view thereof, the Appellant can be protected by pre-arrest bail.

Interim relief, granted by Order dated 30th November 2022 is confirmed.

7. Impugned Order dated 11th November 2022 passed below Exh.1 in Criminal Bail Application No. 7190 of 2022 by learned Special Judge (cases under SC/ST (PoA) Act) and Addl. Sessions Judge, Pune is set-aside.

8. Appeal is allowed in the aforesaid terms.

[PRAKASH D. NAIK, J.]

[A.S. GADKARI, J.]

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