

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR, NAGPUR.

...

CRIMINAL APPLICATION (ABA) NO. 163 /2023

Baldev s/o Damodhar Chavhan .. Applicant

versus

The State of Maharashtra

Through Its PSO PS Asegaon Dist. Washim .. Respondent/s

.....
Mr.A.K.Bhangde, Adv. for applicant

Mr.S.S.Doifode, APP for Respondent
.....

CORAM: ANIL L. PANSARE, J.

DATED : 10th April, 2023.

PC:

Heard.

2. On 21st March 2023, the following order was passed:

“ Order dated 14.03.2023 indicates that nothing is to be recovered at the instance of the applicant.

The investigating Officer to make a statement whether custodial interrogation of the applicant is necessary. If not, he is expected to file final report, as expeditiously as possible.
Stand over to 10.04.2023.”

3. The applicant is apprehending arrest in Crime No. 23/2023 registered with Police Station Asegaon, Dist.Washim for the offences punishable under sections 354D, 500, 504, 506, 306 read with Section 34 of the Indian Penal Code. The allegation against the applicant is that he has taken partially nude photographs of the victim (deceased) and blackmailed her, which ultimately resulted in taking extreme step of consuming poison and committing suicide by the deceased. The applicant is said to have abetted the suicide.

4. The learned APP submits that though the applicant has attended the police station, he has not cooperated in the investigation particularly on the point as to how the photographs were taken and from where it has taken. He further submits that the accusation against the applicant is serious.

5. It is difficult to understand as to how, in such circumstances, the custodial interrogation will help the I.O. when the source of photographs and the manner in which the photographs were captured is not relevant at all. To my mind, the evidence in the form of photograph is self-explanatory. The allegation is that the applicant has taken the photographs. The manner of taking photographs appears to be insignificant. It is nobody's case that the deceased has taken extreme step because of manner in which the photographs have been taken.

6. When enquired, the learned counsel for the applicant submits that the applicant has no criminal antecedents against him. Considering the peculiar facts and circumstances of the case and considering the fact that nothing is to be recovered from or at the instance of the applicant, the interim relief dated 14.03.2023 stands confirmed with the condition that the applicant shall attend the concerned Police Station as and when called and shall cooperate in the investigation.

The application is disposed of.

[ANIL L. PANSARE, J.]

sahare