

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

CRIMINAL APPLICATION (ABA) NO.260 OF 2023

Amol Raju alias Rajesh Sangole and another Vs. State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.V. Sirpurkar, Advocate for applicants.
Shri A.M. Kadukar, APP for non-applicant no.1/State.
Ms Mohini Sharma, Advocate appointed non-applicant no.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : AUGUST 07, 2023.

The present application is for grant of anticipatory bail in the event of arrest in connection with Crime No.152/2023 registered with Police Station, Mehkar, District Buldhana for the offences punishable under Sections 354D, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 67B of the Information Technology Act, 2000.

2. The applicants are apprehending arrest at the hands of police as the crime is registered on the basis of report lodged by the victim on an allegation that the applicants have outraged her modesty by circulating her obscene photographs on the social platform viz. Instagram. The applicants also used to followup her and threatened her and obtained obscene photographs and circulated the same on social platform. There is specific allegation against the

accused no.1. On the basis of said report, the police have registered the present crime against the present applicants.

3. As per contention of the present applicants, in view of the order passed by this Court notice under Section 41 of the Code of Criminal Procedure was issued to them. They have also cooperated in the investigation and produced mobile phone. Now their custody is required. They are ready to cooperate with the investigating agency in future also. As far as other interrogation is concerned, the investigating officer has already recorded the statements of the relevant witnesses. Thus, physical custody of the present applicants is not required and they be protected by granting anticipatory bail.

4. The said application is strongly opposed by the learned APP as well as learned appointed counsel for the non-applicant no.2 on the ground that the victim and the present applicants came into contact through Instagram and obtained her obscene photographs and circulated the same on the Instagram account. Thereafter, applicants have called her and threatened her. On the basis of these allegations, the crime is registered against the present applicants. Their custodial interrogation is required. Offence is of serious nature and pray for rejection of the bail application.

5. Heard Shri S.V. Sirpurkar, learned counsel for the applicants, Shri A.M. Kadukar, learned Additional Public

Prosecutor for non-applicant no.1/State and Ms Mohini Sharma, learned appointed counsel for non-applicant no.2. Perused the investigation papers. As far as allegation is concerned, the applicant no.2 has obtained the obscene photograph of the victim on his mobile phone and uploaded the same on Instagram account and outraged the modesty of the victim. It further reveals that the applicant no.2 has uploaded the said photographs on fake Instagram account of the victim. There is specific allegation against the accused no.1. During the investigation, the mobile phone is seized. Both applicants have also cooperated with the investigating agency by attending the police station. As far as the investigation part is concerned, it is practically completed physical custody of the present applicants is not required. In view of that, the applicants can be protected by imposing certain conditions. Accordingly, I proceed to pass the following orders:

ORDER

- i. The criminal application is allowed.
- ii. In the event of arrest in Crime No.152/2023 registered with Police Station, Mehkar, District Buldhana for the offences punishable under Sections 354D, 504, 506 read with Section 34 of the Indian Penal Code, 1860 and under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 67B of the Information Technology Act, 2000, the applicants – (1) Amol Raju alias

Rajesh Sangole and (2) Sanket Pujaji Sangole, be released on bail on furnishing P.R. Bond in the sum of ₹25,000/- each with one solvent surety in the like amount.

iii. The applicants shall attend concerned Police Station, as and when called by the investigating officer for investigation and shall cooperate in the investigation.

iv. The applicants shall furnish his cell phone number and address with address proof.

v. The applicants shall not tamper with the prosecution evidence or shall not induce, threaten or pressurize any witness, who are connected with the crime.

vi. The professional fees of learned counsel appointed for non-applicant no.2 be quantified and paid as Rules.

With this, the application is disposed of.

JUDGE

Wagh

Signature Not Verified

Digitally Signed By: SURESH RAOSAHEB
WAGH
Personal Assistant to Hon'ble
Judge, High Court of Bombay, Nagpur
Bench, Nagpur.
Signing Date: 08.08.2023