



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

CRIMINAL APPLICATION (ABA) NO.618 OF 2023

Rumeel s/o Dharamveer Sharma

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Belatrodi, District
Nagpur and another

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

Court's or Judge's orders

Mr. Y. P Bage, Advocate h/f Mr. A. C. Jaltare, Advocate for applicant.

Ms. Sneha Dhote, APP for respondent No.1/State.

Mr. Omkar Deshpande, Advocate for respondent No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 18/12/2023

1. By this application, the applicant is seeking pre-arrest bail in connection with Crime No.418/2023 registered with Police Station Beltarodi, District Nagpur for the offence punishable under Sections 354, 354-A, 504 and 506 of the Indian Penal Code.

2. The learned Counsel for the applicant submitted that applicant is apprehending arrest at the hands of police, as report is lodged against him by the victim on an allegation that she acquainted with the present applicant and applicant wanted to continue his friendship with her and when she refused, the applicant started stopping her and expressed her feeling and forcibly hugged her and outraged her modesty.

3. Learned Counsel Mr. Bage, holding for learned Counsel Mr. A. C. Jaltare, for the applicant submitted that

even taking into consideration the allegation as it is, custodial interrogation of the present applicant is not required and, therefore, the applicant was protected by granting ad-interim protection. The applicant has accordingly attended the Police Station and cooperated with the investigating agency. The physical custody of the present applicant is not required and hence, he be protected by confirming the ad-interim granted in his favour.

4. Learned APP strongly opposed the application on the ground that there are criminal antecedent against the present applicant and if he is released on anticipatory bail, he will tamper the prosecution evidence.

5. Learned Counsel Mr. Deshpande for the respondent No.2 – victim also endorsed the same contention and submitted that considering the recitals of the FIR custodial interrogation of the present applicant is required and prays for rejection of the application.

6. Perused the recitals of the FIR and considered the submissions of both the sides. The only allegation against the present applicant is that the applicant wants to continue the friendship with the victim for which she denied and thereafter, present applicant followed her and expressed his feeling that he loves her and hugged her. Considering the allegation, admittedly nothing is to be recovered from the present applicant, custodial interrogation of the present applicant is not at all required. As far as the investigation part is concerned,

some conditions can be imposed on the present applicant. It further reveals that after granting the interim protection he has attended the concerned Police Station and there is no allegation of misusing the liberty.

7. In the above circumstances, the interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) The applicant **Rumeel s/o Dharamveer Sharma** be released on anticipatory bail in the event of his arrest in connection with Crime No.418/2023 registered with Police Station, Beltarodi, District Nagpur for the offence punishable under Sections 354, 354-A, 504 and 506 of the Indian Penal Code, on furnishing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend Police Station as and when required for the investigation purpose.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

(URMILA JOSHI-PHALKE, J.)