

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

CRIMINAL APPLICATION (BA) NO. 1399/2022

Sopan s/o Balaji Bashinge .vs. State of Maharashtra through Police Station
Officer P.S. Kalamna, Nagpur.

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

Court's or Judge's orders

Ms Shiba Thakur, Advocate for applicant.
Ms Shamsi Haider, A.P.P. for non applicant-State.

CORAM : ANIL L. PANSARE, J.
DATE : JANUARY 25, 2023.

The applicant has filed the present application under Section 439 of the Code of Criminal Procedure for grant of bail. The applicant has been arrested in Crime No.182/2022, registered with Police Station, Kalamna, Nagpur for an offence punishable under Sections 376, 354(D), 201 of the Indian Penal Code and Section 67(A) of the Information and Technology Act.

2. The law is set in motion upon the report lodged by the informant on 04.04.2022. She states that in January-2021, she came in contact with the applicant. The applicant informed her that he is in service. He is working as Driver with D.C.P. at Pune. He used to come to Nagpur. The applicant and informant developed relationship. The applicant promised to perform marriage and established physical relationship with the informant. After some days, the

informant came to know that the applicant is not an employee in police force. She, therefore, stopped meeting him. The applicant, however, followed her and threatened her of defaming her by circulating her photographs in the locality. The applicant sought her nude photographs through WhatsApp by similar such threats of circulating her earlier photographs. Accordingly, in February-2022 the informant shared her nude photographs on mobile. On 27.02.2022, the applicant made contact with the informant and asked her to accompany him to the lodge. The informant refused. Thereafter, the applicant again threatened her and started roaming near the house of the informant. On 07.03.2022, the informant narrated her plight to the family members. On 09.03.2022, 16.03.2022 and 21.03.2022, the applicant has shared the nude photographs of informant with father, younger brother and relatives of the informant so also with the friends of the brother of the informant. Similar such act was done on 04.04.2022. The screenshot of the photograph was then shared with the informant with a message that the applicant does not bother even if the informant would lodge report with the police. The informant was left with no other alternative but to lodge the FIR and accordingly, the same was lodged on 04.04.2022.

3. Learned counsel for the applicant submits that he is innocent and has not committed any offence. The FIR is nothing but revengeful act of the informant. The applicant is an educated person and preparing for competitive

examination and at the same time is doing his job. The applicant's career has been spoiled because of the false allegations. The applicant has cooperated in the investigation. The charge-sheet is also filed. Further custody of the applicant is not necessary.

4. As against this, the learned A.P.P. rightly argued that the applicant does not deserve any leniency. He appears to have harassed the informant. He has blackmailed the informant. The most heinous act that has been done by the applicant is that he has circulated nude photographs of the informant on the social media so also with the relatives of the applicant as also friends of her brother.

5. The applicant has threatened the informant from time to time. If he is released on bail, the possibility of further threatening cannot be ruled out. Considering the nature of allegations and the evidence collected, it will not be appropriate to release the applicant on bail. The application is, therefore, rejected.

(Anil L. Pansare, J.)