



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1003 ANTICIPATORY BAIL APPLICATION NO. 1417 OF 2024

Bhushan Sahebrao Patil

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Abhaysinh K. Bhosle

APP for Respondents: Mr. P.P. Dawalkar

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CORAM : SHIVKUMAR DIGE, J.
DATED : 29th AUGUST, 2024.

PER COURT :-

1. The applicant apprehends arrest in connection with crime No.11 of 2024 registered with City Police Station, Jalgaon, district Jalgaon, for the offences punishable under Sections 384, 385, 387, 389, 342, 324 r/w 34 of the Indian Penal Code.

2. It is the prosecution's case that the informant was consistently called by an unknown lady. One day, the said lady met the informant, took him in a flat of a building. In the said flat, already one lady was present. When the informant was chatting with a lady who took him and already present lady, two other persons came there. They assaulted the informant and asked him to remove the clothes off from his body and made him naked. They also asked that accompanying lady to become naked. She also removed her clothes. Thereafter,

those two persons took photographs of the informant and that lady in naked position. On that ground they blackmailed the informant and took some amount from him. It is alleged that the applicant is one of the two persons, who assaulted the informant and asked him to remove the clothes and took his photos.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant was not present at the time of incident. The informant has stated before the Sessions Court on affidavit that the applicant was not present, who asked him to remove their clothes and filmed the incident. Hence, requested to allow the application.

4. It is the contention of the learned APP that the applicant alongwith co-accused called the informant. Then they blackmailed him by taking objectionable photographs. The applicant assaulted the informant and filmed his objectionable photographs and made his objectionable video with co-accused lady which shows involvement of the applicant in the crime. Considering the allegations against the applicant, his custodial interrogation is required and requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and

the police papers produced on record. The informant filed an application before the Sessions Court stating that the persons whose name is in the F.I.R. is not the applicant and he has no objection to allow the bail application of the applicant. Considering the fact that the informant is stating that the person whose name is referred in his complaint is not the applicant, the custodial interrogation of the applicant is not required and I pass the following order :-

ORDER

- (i) The application is allowed.

- (ii) The interim anticipatory bail granted to the applicant vide order dated 19.08.2024 stands confirmed on the same terms and conditions.

(SHIVKUMAR DIGE, J.)

rlj/