



drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1876 OF 2023

Sachin Babasaheb Javale

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

.....
Mr. Shashikant E. Shekade, Advocate for the applicant
Mr. S. B. Jadhav, APP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th FEBRUARY, 2024

ORDER :

1. Applicant apprehends arrest in Crime No.682 of 2023 registered with Shevgaon Police Station, District -Ahmednagar for offence punishable under sections 306 read with 34 of the Indian Penal Code and under section 67 of the I. T. Act.
2. FIR is lodged is lodged by Ankush Shrirang Londhe, brother of deceased, who has committed suicide, alleging that his sister was residing alone since last many years. She had affair with Prashant Ghute. Prashant Ghute used to frequently visit her house. Prashant Ghute had also affair with Anita Kale. On 15th July, 2023, Anita Kale posted obscene videos of deceased on Whatsapp and called him to come to her house. Informant

refused to go to her. Anita Kale then called informant and informed him that since last four years she is in relationship with Prashant Ghute and why his sister does not understand the same. She then warned informant to give understanding to his sister or else she will defame her in the society. Informant then went to his sister and confronted her about the videos sent by Anita Kale. His sister admitted her relationship with Prashant Ghute and told him that Prashant Ghute had made some nude videos of her and now he is having affair with Anita Kale and he has cheated her. Teenaged daughter of deceased came to know about the incident and she attempted to commit suicide. Deceased then requested Prashant Ghute and Anita Kale not to make her videos viral, but both of them threatened her that they will make the videos viral. His sister was in depressed state of mind. Hence, she committed suicide, as she was unable to digest the insult and defamation.

3. Heard learned advocate for applicant and the learned APP for the State. Perused the papers of investigation.

4. Applicant is not named in the FIR and his name is disclosed by accused Anita during the course of investigation. Anita has stated that applicant had forwarded the obscene videos of deceased to her.

5. Learned APP, while opposing the bail application, has submitted that for recovery of cellphone of applicant his custody is necessary.

6. It is the case of applicant that he is falsely implicated in the present crime, as his mother had lodged FIR against Prashant Ghute, which is registered at Crime No. 267 of 2019 with Shevgaon Police Station for offence punishable under sections 452, 427, 323, 504, 506, 354A read with 34 of the Indian Penal Code, wherein it is alleged that present applicant was assaulted as he asked for his salary from Prashant Ghute and then on 12th June, 2019, Prashant Ghute and one Sambhaji Korde came at the house of applicant and outraged modesty of his mother. Thereafter NCR No. 561 of 2019 is registered against accused Anita Kale at the instance of mother of applicant, wherein it is alleged that Anita Kale came to the house of applicant and threatened his mother to withdraw the case filed against Prashant Ghute. She abused applicant's mother and threatened her with life, if the case is not withdrawn.

7. Accused Prashant Ghute and Anita both were arrested and they are released on regular bail. Anita's cellphone is already seized during the investigation. There appears substance in the

contention of the applicant that because of lodging of earlier FIR, his name is falsely implicated in the present crime, as after lodging of the FIR in the year 2019, applicant is not working with accused Prashant Ghute. Therefore, *prima facie*, it appears that applicant had no occasion to receive any obscene video, which he has allegedly forwarded to accused Anita.

8. Applicant was granted interim protection and he has co-operated in the investigation and he has stated that he has lost his cellphone six months prior and he is presently using cellphone of his mother. Except statement of co-accused Anita, there is no material connecting present applicant to the alleged crime. FIR is registered on 16th July, 2023 and chargesheet is already filed. Therefore, pre-trial custodial detention of applicant is not necessary, in these facts. Application is, therefore, allowed by confirming the interim protection.

[NITIN B. SURYAWANSHI]
JUDGE