



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

**CRIMINAL APPLICATION (ABA) NO. 106 OF 2024**

Rushikesh Chandrabhan Gawai and another V/s State of Maharashtra

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

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Mr. S.K.Wankhede, counsel for the applicants.  
Mr. A.G.Mate, APP for the non-applicant/State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 28/02/2024.**

1. Apprehending arrest at the hands of Police in connection with Crime No. 75/2024 registered with Police Station M.I.D.C., Akola, Tah. and District Akola for the offence punishable under Sections 354 (C), 354(D), 354, 506 read with Section 34 of the Indian Penal Code, 1860. The applicants approached this Court for grant of pre-arrest bail.

2. The accusation against the present applicants is on the basis of report lodged by the victim. On an allegation that, she got acquaintance with the present applicants and they were communicating with each other, but the present applicants have obtained her obscene photographs. Her parents came to know that the present applicants are addicted to bad voices and therefore, her parents declined to perform her marriage with him. Subsequently, her marriage was settled with one Sagar Wankhede, but the present applicants approached to him and showed the obscene photographs of the victim to him, and therefore, her marriage was broken.

She was also threatened by the present applicants that if she denies to perform the marriage with him, he would make the photographs viral. On the basis of said report, the crime is registered.

3. Learned counsel for the applicants submitted that the allegation against the present applicants is false and fabricated. He submitted that there was a consensual relationship between the present applicants and the victim, and subsequently, the victim has lodged this false report. The custodial interrogation of the present applicants is not required. In view of that, they be protected by granting pre-arrest bail. He submitted that as far as applicant No.2 is concerned, the only role attributed to him is that, he was present along with applicant No.1 when the said photographs were shown by applicant No.1 to Sagar Wankhede.

4. Learned APP strongly opposed the present application on the ground that the custodial interrogation of the present applicants is required, as the obscene photographs are in the mobile phone of applicant No.1. He has threatened the victim that he would make those photographs viral. Therefore, the prayer for grant of anticipatory bail of applicant No.1 deserves to be rejected. As far as the applicant No.2 is concerned. He submitted that the victim has stated that he was present along with the applicant No.1, at the time of showing the said photographs.

5. After hearing learned counsel for the applicants and learned APP for the State, perused the FIR and investigation

papers. During the investigation, the statements of the father of Sagar Wankhede, Sagar Wankhede and the victim are recorded. The contention of the victim that present applicants have shown her obscene photographs to the person with whom, the marriage was performed is substantiated by the said Sagar Wankhede and his parents. Considering the prima-facie case against the present applicant no.1, the application for grant of anticipatory bail of applicant No.1 deserves to be rejected. As far as the prayer for applicant no.2 is concerned, the only role is attributed that he was present along with applicant No.1 at the time of showing the said photographs. In view of that, the application deserves to be allowed partly. Accordingly, I proceed to pass the following order:

- a) The criminal application is **partly allowed**.
- b) In the event of his arrest, in connection with Crime No. 75/2024 registered with Police Station M.I.D.C., Akola, Tah. and District Akola for the offence punishable under Sections 354 (C), 354(D), 354, 506 read with Section 34 of the Indian Penal Code, 1860, the applicant No.2- **Bablu alias Ajay Gautam Shirsat**, is released on anticipatory bail, on executing P.R. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- c) The prayer of the applicant No.1 of granting anticipatory bail is hereby **rejected**.

- d) Applicant No.2 shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]