



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

CRIMINAL APPLICATION (ABA) NO. 339 OF 2024

Rushikesh Chandrabhan Gawai

Vs.

State of Maharashtra, Through Police Station Officer, Police Station MIDC,
Akola District Akola

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

Court's or Judge's orders

Mr. Mohan Vishnu, Advocate h/f Mr. S. K. Wankhade, Advocate for
applicant.

Ms. H. N. Prabhu, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 19/06/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.75/2024 registered with Police Station MIDC, Akola, District Akola for the offences punishable under Sections 354, 354(C), 354 (D), 506 read with Section 34 of the Indian Penal Code.

2. The accusation against the present applicant is on the basis of report lodged by the victim on an allegation that since residing along with her mother, she came into contact with the present applicant. The present applicant has obtained her obscene photographs as well as obscene video and by showing it, he was harassing her. On 31.11.2023 he came to her house and thereafter on 17.12.2023 he went to the house of her fiance, with whom her

marriage was settled and shown him photographs and disclosed to him that the victim is a characterless lady. Thereafter, on 09.01.2024 when she was proceeding towards her house, present applicant followed her, hold her hands and forced her that she has to marry with him otherwise, he will kill her younger brother and her parents. Then also, she proceeded at home, but the applicant followed her till her home and manhandled her mother. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that there was a love relationship between the victim and the present applicant, out of that, he was communicating with her, but her marriage was performed against her wish and therefore, he was trying to communicate with her and this false FIR is lodged. He submitted that the custodial interrogation is not required and therefore, the applicant be protected by granting anticipatory protection.

4. Learned APP strongly opposed the said application on the ground that the applicant has not only obtained her obscene photographs and videos but also contacted to the person with whom her marriage was settled and attempted to break her marriage. Not only this, he has also followed her and manhandle her mother. Thus, there is apprehension regarding the injury to the person of the victim as

well as her family members and therefore, the custodial interrogation is required, in view of that application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the recitals of the FIR as well as the investigation papers, from which it reveals that the applicant was having the obscene photographs and videos of the victim in his mobile phone and therefore, the mobile phone of the present applicant requires to be seized. Moreover, the allegation shows that applicant forcefully asking her to marry with him by restraining her when she was proceeding towards her house. He has also manhandled the mother of the victim. Considering the entire circumstances, under which the offence is committed and the behaviour of the present applicant, at this stage, the application for grant of anticipatory bail deserves to be rejected. Accordingly, I proceed to pass following order:

The application is rejected.

(URMILA JOSHI-PHALKE, J.)