



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

CRIMINAL APPLICATION (ABA) NO.343 OF 2024

Swabhiman Suresh Wankhade

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Tamgaon, District Buldhana and another

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

Court's or Judge's orders

Mr. S. K. Wankhade, Counsel for applicant.

Ms. Trupti Udeshi, APP for non-applicant No1. /State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 20/08/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.72/2024, registered with Police Station, Tamgaon, District Buldhana for the offences punishable under Sections 354, 354-A, 354-D, 323 and 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The accusation against the present applicant is on the basis of report lodged by victim on an allegation that on 08.03.2024, when the victim was fetching the water from the government tap, the applicant has taken her in one lane and had misbehaved with her, thereafter, she shouted and her parents came there. The applicant gave threats to the victim that if she discloses this incident to anybody, he would kill her and her parents. On the

basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that on perusal of the photographs and whatsapp messages, it reveals that the applicant and the victim were in love relationship. They were knowing each other. Merely because this fact is opposed by her parents, this false report is lodged by the victim. It is further submitted that as far as the interrogation part is concerned, the mobile phone is already handed over to the investigating agency therefore, custodial interrogation is not required.

4. The learned APP strongly opposed the said application on the ground that considering the allegations and the nature of the allegations made against the applicant, the application deserves to be rejected. She further submitted that for the purpose of interrogation also the custody of the present applicant is required.

5. Heard learned Counsel for the applicant and learned APP for the State. Perused the investigation papers as well as documents filed on record. From the WhatsApp chat, it reveals that there was a love affair between the victim and the present applicant. Due to opposition by the parents, this FIR appears to be lodged against the present applicant. As far as the investigation part is

concerned, the applicant has already produced the mobile phone before the investigating agency. The interrogation can be carried out by imposing certain conditions on the applicant. In view of that the application for grant of anticipatory bail deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(i) In the event of arrest of the applicant in connection with Crime No.72/2024, registered with Police Station, Tamgaon District Buldhana for the offences punishable under Sections 354, 354-A, 354-D, 323 and 506 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant – **Swabhiman Suresh Wankhade** shall be released on anticipatory bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(ii) The applicant shall attend the concerned Police Station as and when required and shall co-operate with the investigating agency.

(iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)