



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

CRIMINAL APPLICATION (ABA) NO. 412 OF 2024

Ashish Raju Mundiraj and another. Vs State of Maharashtra and another.

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

Court's or Judge's Order

Ms. Anshula Paunikar counsel h/f Mr. S.V. Sirpurkar, counsel for the applicants.

Mr. K.R. Lule, APP for the non-applicant/State.

Mrs. Kirti Deshpande, counsel (appointed) for non-applicant No.2.

Mr. P.M. Pande, counsel with Ms. Achla N. Kashikar, counsel for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 30/07/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.308/2024 registered with Police Station Washim, District Washim for the offences punishable under Sections 376(2)(n) and 366 read with Section 34 of the Indian Penal Code and Sections 4, 6 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicants submitted that, as far as the present applicants are concerned, only the allegation against them is that they were abettors, and the allegation of sexual assault is not against the present applicants. Learned Counsel for the applicants further submitted that on perusal of the recitals of the FIR, it reveals that the victim was having love relationship with one Shubham Bhise, and that is the Shubham Bhise who has subjected her for sexual assault. Subsequently, she was also found along with the said Shubham Bhise. She submitted

that, considering the role attributed to the present applicants, their immediate custodial interrogation is not required.

3. Learned APP and learned counsel for the victim, as well as appointed counsel, strongly opposed the said application on the ground that the allegation against the present applicants is serious in nature. The investigation is still in progress. At this stage, if the applicant is protected, the investigation is hampered. In view of that, the application deserves to be rejected.

4. After hearing learned counsel for the applicant and learned APP for the State and the appointed counsel as well as counsel for the victim, perused the recitals of the FIR. From which it reveals that the role attributed to the present applicants is only to the extent of the abettor. Considering the same, their custodial interrogation is not required. In view of that, the interim protection granted to them deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a] The interim protection granted to the present applicants by order dated 24/06/2024 is hereby confirmed on the similar terms and conditions.
- b] The fees of the appointed counsel be quantified as per Rule.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]