



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

CRIMINAL APPLICATION (ABA) NO. 416 OF 2024

Sau. Jyoti w/o Bharat More and another Vs State of Maharashtra

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

Court's or Judge's Order

Mr. M.V.Rai, counsel for the applicants.

Mrs. H.N. Prabhu, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/07/2024.

1. Apprehending the arrest at the hands of police, in connection with Crime No. 242/2024 registered with Police Station Khamgaon (City) District Buldhana for the offences punishable under Sections 384, 506 read with Section 34 of the Indian Penal Code, 1860; under Section 66(E) and 67 of the Information Technology Act, 2000.

2. The crime is registered on the basis of a report lodged by the informant, who is working as an Anganwadi Sevika and alleging against the present applicants that, there was a love affair between the informant and one Sunil Jagdish Shami, and her family members have knowledge about the same. The applicants, who are her neighbors, obtained her mobile phone, and on her mobile phone, there were some obscene videos recorded by them. It is further alleged that the said obscene videos were made viral by the present applicants, and not only it is made viral, but the informant was blackmailed by demanding the amount for

deleting the said obscene videos. On the basis of said report, police have registered the crime against the present applicants.

3. Mr. M.V.Rai, learned counsel for the applicant submitted that, as far as the allegations are concerned, which are false in nature. The alleged incident of taking mobile took place in the year 2022 and the FIR is lodged in the 2024. He submitted that the allegation as to the blackmailing and demanding the amount is completely false and not substantiated by any material. As far as the custodial interrogation is concerned, which is not required, in view of that, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that during the investigation, it was revealed from the statements of the witnesses that the mobile phone of one Pawan of Vivo Company having a different IMEI Number. The applicants used the said mobile phone by using their sim-card, and therefore, the report obtained by the investigating officer shows the different IMEI number. He further submitted that not only the mobile phone of the informant was obtained by the present applicants, but they have made the obscene video which was in the memory of the said phone, made it viral, and amount of Rs. 2 Lakhs was demanded. This fact is substantiated by the statements of the various witnesses, which show that the applicants have shown the said video to some of the witnesses.

5. The investigating officer has also prepared a copy of the said obscene video by way of making copies in the Pen Drive and also obtained 65-B Certificate. Thus, he submitted that there was a prima-facie material against the present applicants to show the involvement in the alleged offence. He further submitted that as far as the applicant No.2 - Bharat Bhimrao More is concerned, against whom, there are various criminal antecedents against whom six offences are registered, and nine offences are registered against the applicant – Jyoti w/o Bharat More. Thus, considering the criminal antecedents against the present applicants, the discretion cannot be used in their favour.

6. After hearing learned counsel for the applicants and learned APP for the State, perused the entire investigation papers, from which it reveals that the applicants obtained the said mobile phone in the month of June-2022 and thereafter, the said mobile phone was in their possession. The applicants have used the said mobile phone by using their own sim-card. The electronic evidence collected during the investigation also substantiates the said facts. The various statements recorded during the investigation also show that the applicants have shown this video to them.

7. Thus, considering the nature of the material collected during the investigation, the custodial interrogation of the applicants is required for the purpose of seizure of the mobile phone and the interrogation purpose. Moreover, there are criminal antecedents against the present

applicants, and the similar nature of the offences are against them. In view of that, this is not a fit case for grant of anticipatory bail. Accordingly, I proceed to pass the following order:

Criminal Application is **rejected**.

[**URMILA JOSHI-PHALKE, J.**]