



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

CRIMINAL APPLICATION (ABA) NO. 603 OF 2024

Santosh Ambadas Bhatkar 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

Mr. G.I. Dipwani, counsel for the applicant.

Mrs. H.N. Prabhu, APP for non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/08/2024.

1. By preferring this application, the applicant is seeking pre-arrest bail in connection with Crime No. 442/2024 registered with Police Station Rajapeth, Amravati, for the offence punishable under Sections 376(2) (n), 354-A, 323, 506 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of the report lodged by the victim, on an allegation that she got acquaintance with the co-accused, Prakash Panjabrao Ingale; he obtained her mobile phone, and thereafter, they were communicating with each other. The co-accused has promised her for marriage and subjected her for sexual assault. He has also obtained the video of the physical relationship, and said video was forwarded to the present applicant. It is alleged that the present applicant has shown the said video to the victim and asked her for sexual favours by saying that he is aware about the relationship between her and the co-accused and she should keep such a

relationship with him also. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that the allegation against the present applicant is only to the extent that he has threatened the victim that he is having a mobile phone and he would circulate the same. As far as this aspect is concerned, the mobile phone of the present applicant is already seized, and his custodial interrogation is not required.

4. Learned APP strongly opposed the said application on the ground that there is a serious allegation against the present applicant that he has asked for sexual favour by showing the said video to the victim. In view of that, the application deserves to be rejected.

5. After hearing 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 co-accused, who has promised the victim for marriage and subjected her for sexual assault, has obtained the video of the said incident and forwarded it to the present applicant. Present applicant by taking disadvantage of the same, shown the said video to the victim, and asked from her the sexual favors.

6. Moreover, the application is filed for grant of anticipatory bail, though the mobile phone of the present

applicant is seized, but considering the allegation that the present applicant has shown the video and asked for sexual favour, itself is serious in nature. Merely because the custodial interrogation of the present applicant is not required is not sufficient to grant the anticipatory bail to the present applicant. The gravity of the allegation requires to be seen. As far as the factors which are to be considered for grant of anticipatory bail is concerned, the gravity of the offence is one of the factors, and admittedly obtaining the video and showing it to the victim and asking sexual favors from her itself is a serious act.

7. Thus, the applicant has not made out a case to use discretion in his favour, and also this is not a fit case for grant of anticipatory bail. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

ORDER

The criminal application is **rejected** and disposed of.

[URMILA JOSHI-PHALKE, J.]