



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

CRIMINAL APPLICATION (ABA) NO. 703 OF 2024

Suraj s/o Ahokkumar Singh V/s 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. V.S. Mishra, counsel for the applicant.

Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/10/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 433/2024 registered with Police Station Gittikhadan, Nagpur for the offence punishable under Sections 354, 354(d), 427, 506(2) read with Section 34 of the Indian Penal Code, 1860, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of a report lodged by the victim, aged about 31 years, on an allegation that she got acquaintance with the present applicant when she was serving in a private company. It is further alleged that, in the year 2021, the applicant has taken her at his house, and thereafter, on 03/09/2022, he has taken her to his house and administered her stupefying substance and obtained her obscene photographs. She further alleged that, thereafter, the applicant started harassing her and abusing her, as well as threatening her through Instagram, WhatsApp messages, and Telephonic call also. On 25/01/2024, he

quarreled with her and abused her. On the basis of said report, police have registered the crime against the present applicant.

3. The learned counsel for the applicant submitted that, as far as the allegations are concerned, the applicant is ready to produce his mobile phone. He is ready to cooperate with the investigating agency. The allegation regarding obtaining or withdrawing the amount from the ATM card is concerned, is false and baseless one. The custodial interrogation of the present applicant is not required.

4. Learned APP strongly opposed the said application and submitted that the allegations are substantiated by the Instagram message as well as the WhatsApp message. Considering the fact that her obscene photographs are obtained, and by administering her stupefying substance, the applicant's custodial interrogation is required. In view of that, the application deserves to be rejected.

5. After hearing both sides, perused the entire material as well as messages which were exchanged between them. The investigation papers show that not only she was threatened by a telephonic call, but she was threatened by the present applicant through the message on Instagram also. The investigation as to the withdrawal of the money from the account is to be carried out, and also, whether there are obscene photographs obtained by the present applicant or not, that investigation is also required to be

carried out. The allegation that her obscene photographs were obtained itself is a serious allegation.

6. Considering the same, the custodial interrogation of the present applicant is required. In view of that, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application is **rejected**.

[URMILA JOSHI-PHALKE, J.]