



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

**CRIMINAL APPLICATION (ABA) NO.711 OF 2024**

Ajay Anandrao Wankhede

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,  
Beltarodi, Nagpur, District Nagpur

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

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Court's or Judge's orders

Mr. S. P. Bhandarkar, Counsel along with Mr. S. P. Sonwane, Counsel for the  
applicant.

Mr. Nitin Autkar, APP for non-applicant /State.

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 15/10/2024**

1. Apprehending the arrest at the hands of police in connection with Crime No.538/2024 registered with Police Station, Beltarodi, District Nagpur for the offences punishable under Section 140(3) of the Bharatiya Nyaya Sanshita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by Ridheshwar Prakash Aakre on an allegation that the victim Jyotsna Prakash Aakre is his sister and was serving in Zen Automobile at Bhole Petrol Pump, Amravati Road, Nagpur. Her first marriage was performed in the year 2019, but as she has obtained divorce from her husband, she was residing along with him. She got acquaintance with

the present applicant in April 2024 through shadi.com and since then she was communicating with the present applicant and there was friendship developed between them. On 28.08.2024, the call was received at home of the victim that she is residing along with her friend on that day, and on the next day, after finishing her duty she would come at home. On 29.08.2024 they have received a phone call of the friend of victim namely Amruta Uge who enquired whether Jyotsna is at home, and on that it was revealed that Jyotsna has not at the house of her friend and she did not return at home also. Therefore, the missing report was filed and after the missing report, this report is filed alleging that the unknown person had abducted her. On the basis of the said report, police have registered the crime against the unknown person. During the investigation, the involvement of the present applicant is revealed and therefore, the applicant is apprehending arrest at the hands of police.

3. Heard learned Counsel Mr. Bhandarkar for the applicant who submitted that as far as the involvement of the present applicant is concerned, except the allegation, there is no other substantial evidence to show that the victim was along with him and thereafter, she got missing. He submitted that though there was an acquaintance between the present applicant and the victim, but it is not sufficient to allege that she was abducted by the

present applicant. He submitted that the applicant has cooperated with the investigating agency and the investigation is not yet reached at its logical end to show the involvement of the present applicant in the alleged incident. In view of that, the applicant's custodial interrogation is not required and therefore he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that during the investigation, it revealed that the applicant was taking treatment in the Military Hospital and subsequently, he eloped from the said hospital. Thus, the applicant is avoiding to come before the Investigating Officer and not cooperating with the Investigating Officer. He further submitted that the statements of the hotel owner and guest house owner which shows that the victim and the present applicant had been to the hotel prior to the incident. The statements of the various witnesses also shows that the marriage of the present applicant and the victim was about to settle, but the parents of the present applicant denied to perform the said marriage and thereafter also the applicant and the victim was meeting each other. After due investigation also the whereabouts of the victim are not found. The CDR reports are also collected which shows the consistent calls between the victim and the present applicant. Thus, he submitted that for the purpose of interrogation and to ascertain the

involvement of the present applicant his custodial interrogation is required. He further submitted that the victim girl is yet to be traced and for that purpose also the custodial interrogation of the present applicant is required.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers from which it reveals that prior to the incident, the present applicant and the victim staying in one hotel by obtaining the room on rent. Thereafter, they were meeting each other. The CDR reports shows that there was acquaintance and communication between the victim and the present applicant. On the day of incident i.e. on 28.08.2024 victim left the house on the pretext that she is attending the duty and thereafter, the family members received her phone call that she is not coming home and she is visiting her friend. However, on the next day, it revealed that she did not visit the friend's house but she got missing. From the statements of the various witnesses, it reveals that the marriage of the victim and the present applicant was about to settle, but the parents of the present applicant have denied for the same and opposed the said marriage proposal. It further reveals that the applicant has obtained the leave as he is serving in Army and come to Nagpur and the victim and the present applicant were meeting each other on various occasions. The CDR reports are also collected which

shows the communication between both of them. Considering the fact that the victim is still missing and she was lastly seen along with the present applicant and therefore, the custodial interrogation of the present applicant is required to ascertain the whereabouts of the victim. Admittedly, at this stage, there is no sufficient material as far as from which date the victim got missing, but considering the fact that lastly victim was seen along with the present applicant and thereafter, she got missing. Till today, her whereabouts are not traced and therefore, *prima facie* case is made out against the present applicant and considering the interrogation and the investigation to ascertain the whereabouts of the victim are required. The application deserves to be rejected. Accordingly, I proceed to pass following order.

**ORDER**

The application is rejected.

**(URMILA JOSHI-PHALKE, J.)**