



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (ABA) NO. 224 OF 2024

AVINASH NAMDEV KALE AND OTHERS

Vrs.

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

Shri P. S. Chawhan, Advocate for applicants.
Ms. R. V. Sharma, A. P. P. for respondent No.1.

CORAM: URMILA JOSHI-PHALKE, J.
DATE : 08/05/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No.140/2024 for the offence punishable under Section 354-D of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012, the applicants have approached to this Court for grant of pre-arrest bail.

2. Shri Chawhan, learned counsel for the applicants submitted that as per the allegations in the FIR, the Applicant No.3 – Ganesh Dattarao Gote was in love with sexual intent and on 01/03/2024, as per the allegation when the victim was proceeding for examination, the applicants followed her. Applicant No.1 took mobile phone and handed over to her and informed her that the said mobile phone is given to her by the Applicant No.3 and she should communicate with Applicant No.3 from the said mobile phone. When she

declined to accept, she was threatened by both the applicants that they would kidnap her brother and mother, if she declined to accept the same. On the basis of said report, police have registered the crime against the present applicants.

3. Learned counsel for the applicants submitted that as far as custodial interrogation is concerned, which is not required. There was love affair between Applicant No.3 and the informant. With the false allegations, the FIR is lodged. As far as the investigation part is concerned, which is already completed. In view of that, interim protection granted to her deserves to be confirmed.

4. Learned APP though strongly opposed the said application, he fairly submitted that the applicants have co-operated with the investigation agency. Now, the investigation is completed and the charge sheet is yet to be filed. Considering the investigation is practically completed, the custodial interrogation of the applicants is not required. Moreover, considering the nature of the evidence, nothing is to be recovered from the present applicants. In view of that, the interim protection granted to the present applicants deserves to be confirmed. Accordingly, I proceed to pass following order :-

ORDER

i] The application is allowed.

ii] The interim protection granted to the present applicants in connection with Crime No.140/2024 for the offence punishable under Section 354-D of the Indian Penal Code and Section 12 of the Protection of Children from Sexual Offences Act, 2012 is hereby confirmed on the similar terms and conditions.

iii] The application is disposed of.

[URMILA JOSHI-PHALKE, J.]

Choulwar