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912.aba.285.2024

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

CRIMINAL APPLICATION (ABA) NO.285 OF 2024

Rajesh s/o Chandraiah Kondra
Vs.

State of Maharashtra, Through Police Station Officer, Ram Nagar,
Chandrapur and another

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

Court's or Judge's orders

Mr. N. D. Dawda, Advocate h/f Mr. A. M. Jaltare, Advocate for applicant.
Mr. M. J. Khan, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 23/04/2024

1. Apprehending the arrest at the hands of police in connection with Crime No.286/2024 registered with Police Station, Ram Nagar, Chandrapur for the offences punishable under Sections 354 and 354-D of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012.

2. The applicant is apprehending the arrest at the hands of police in connection with the above said crime as the offences are registered on the basis of report lodged by victim girl, on an allegation that the present applicant has visited her house, knocked the door and communicated with her and thereafter, he used to follow her. In the month of March 2024 by following her, he restrained, hold her hands and sexually harassed her. On the basis of said report,

police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the allegations are concerned, which are only to the extent of holding her hands. In fact, from the messages which are sent it reveals that it was the informant who wants to contact with the present applicant and this false FIR is lodged against the present applicant. He submitted that the custodial interrogation is not required as nothing is to be recovered from the present applicant and therefore, he be protected by granting ad-interim protection.

4. Learned APP strongly opposed the said application on the ground that the serious allegations are levelled against the present applicant. There are WhatsApp messages sent by the present applicant to the victim and therefore, the custodial interrogation is required to recover the mobile phone of the present applicant. In view of that, the prayer for grant of ad-interim protection deserves to be rejected.

5. Having heard the learned Counsel for the applicant and learned APP for the State. Perused the recitals of the FIR, from which it reveals that the offence of stalking is made out against the present applicant. As far as the contention of the learned

APP is concerned, the mobile phone of the present applicant is to be seized can be taken care of by directing him to produce the said mobile phone. As far as the custodial interrogation is concerned, which is not immediately required and the interrogation part also can be considered by imposing conditions on the present applicant. In view of that, the prayer for grant of ad-interim protection deserves to be allowed. Accordingly, I proceed to pass following order.

ORDER

(i) In the event of arrest in connection with Crime No.286/2024 registered with Police Station, Ram Nagar, Chandrapur for the offences punishable under Sections 354 and 354-D of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012, the applicant **Rajesh s/o Chandraiah Kondra** shall be released on ad-interim anticipatory bail, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(ii) The applicant shall produce his mobile phone before the Investigating Officer and this period of production would be considered as his custody for the purpose of Section 27 of the Indian Evidence Act.

(iii) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. Issue notice to the respondent No.2 - victim, returnable after **two weeks**.

7. The respondent No.2 – victim be intimated through Police Station Officer, Police Station, Ram Nagar, Chandrapur.

(URMILA JOSHI-PHALKE, J.)