



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

CRIMINAL APPLICATION (ABA) NO.154 OF 2025

Akash Chandrakant Dhekale

Vs.

The State of Maharashtra thr. Police Station Hudkeshwar, Nagpur (City)
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. S.S. Bangde, Counsel for the applicant.

Mrs. Mrunal Barbade, APP for the non-applicant No.1/State.

Mr. R.A. Biranware, Counsel for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/04/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.83/2025 registered with Police Station, Hudkeshwar, District Nagpur for the offences punishable under Sections 376(2)(n), 420 and 506-B of the Indian Penal Code (for short, 'the I.P.C.') the applicant approached this Court for grant of pre-arrest bail.

2. The informant a 44 years old woman has lodged the report on an allegation that she got acquainted with the present applicant. The present applicant was following her. He also visited her house and subjected her for the forcible sexual assault on the promise of marriage. He has also obtained her obscene photographs and videos. On the basis of said

report, police have registered a crime against the applicant.

3. Heard learned counsel for the applicant, who submitted that as far as the allegations of sexual assault are concerned, they are baseless and false allegations only to recover the money from the present applicant which the present applicant has obtained from the victim. He submitted that some of the amount the applicant has already repaid to the victim. Some amount is remains to be repaid. As far as the allegations regarding sexual assault are concerned which are completely false and baseless only to implicate the present applicant in the false complaint. As far as the custodial interrogation of the present applicant is concerned, which is not required. In view of that, the applicant be protected by granting ad-interim anticipatory bail.

4. Learned APP and learned counsel for the victim strongly opposed the application on the ground that applicant has not only subjected her to forcible sexual assault but also obtained her videos and obscene photographs. The applicant has also obtained the amount of Rs.19,20,000/- which the victim paid the applicant by mortgaging the property. The applicant has not repaid the said amount. There are criminal antecedents against the present applicant also. In view of that, the prayer for grant of anticipatory bail deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the victim is a married woman. Her husband was missing and therefore, she was residing alone. As per her allegations the applicant contacted her and got acquainted with her and subjected her to forceful sexual assault. As far as the allegations of forceful sexual assault are concerned which are not substantiated by the medical reports. As to the allegation regarding the obtaining money is concerned, which the applicant has accepted and it is the contention of the applicant that only to recover the said amount this false first information report is lodged against the present applicant. He submitted that the custodial interrogation of the present applicant is not required. Whereas the contention of the learned APP is that the custodial interrogation of the present applicant is necessary for the purpose of recovery of the mobile phone, as he has obtained some photographs of the victim and videos.

6. Thus, considering the submissions made by both the sides and the investigation papers as already observed that the allegations of the sexual assault is not substantiated by any other material even the medical examination of the victim. Whereas the allegations of obtaining money is substantiated by the account statements. Thus, considering the nature of the evidence, admittedly the custodial

interrogation of the present applicant is not required. The issue raised by the learned APP as to the recovery of the said photographs and videos which can be taken care of by imposing appropriate conditions on the present applicant. In view of that the application deserves to be allowed.

7. In view of that, I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) The applicant **Akash Chandrakant Dhekale** shall be released on bail in connection with Crime No.83/2025 registered with Police Station, Hudkeshwar, District Nagpur for the offences punishable under Sections 376(2)(n), 420 and 506-B of the I.P.C. on bail on executing PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Only) with one solvent surety in the like amount.

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

(iv) The applicant shall produce his mobile phone before the investigating officer for the investigation purpose.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(v) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

8. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)