



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

CRIMINAL APPLICATION (ABA) NO. 214 OF 2025

Manthan s/o Ashok Kolatwar Vs 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

Mr. Mohit Madhwani, counsel for applicant.

Mr. V.A.Thakre, APP for non-applicant/State.

Mr. Abdul Subhan, counsel for non-applicant No.2.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 15/04/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.906/2024 registered with Police Station Gadchiroli for the offence punishable under Section 75(1), 75(2), 351(2), 351(3), 64(1), 64(2) (M) of the Bharatiya Nyaya Sanhita, 2023, 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 on an allegation that she got acquaintance with the present applicant, and thereafter a friendship was developed between them, which resulted into a relationship. The present applicant has obtained money from her from time to time and also obtained her ornaments and not returned back and thereafter, the relationship was broken. He has also threatened her about the incident. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned counsel for the applicant submitted that as far as the relationship is concerned, it is a consensual relationship. He also invited my attention towards the WhatsApp chat between them, and it also shows that some golden ornaments were handed over to the present applicant, but the communication dated 06/10/2024 shows that it was returned back by him. The victim has also replied on the same, that she will verify the same. Thereafter, there is no such communication which is on record. Thus, considering the WhatsApp chat between them, he submitted that as the relationship was broken, this FIR came to be lodged.

4. Learned APP and learned counsel for the victim strongly opposed the said application and submitted that during the investigation, the statement of the victim was recorded under Section 164 of Cr.P.C., wherein she has stated that the present applicant has also obtained her photographs and videos, and therefore, his custodial interrogation is required to seize the said material.

It is further submitted that the applicant has produced on record some portion of the WhatsApp chat. However, the subsequent portion has not been produced, which shows that still the victim has to recover some amount as well as golden ornaments from the present applicant. In view of that, the custodial interrogation is required, and therefore the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers it reveals that, they got acquaintance with each other, and out of that acquaintance, there was a physical relationship developed between them. As far as the allegations regarding the golden ornaments and the money is concerned, admittedly the WhatsApp chat shows that some amount he has paid, but some amount and some golden ornaments are still with him. It further reveals from the WhatsApp chat that he has shown his readiness to pay the amount, but at present he is not having the said amount. Thus, considering the entire investigation papers, from which it reveals that relationship was a consensual relationship which was broken, and thereafter this FIR came to be lodged. As far as the custodial interrogation is concerned, which is not required, in view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **allowed**.
- b] In the event of arrest, in connection with Crime No.906/2024 registered with Police Station Gadchiroli for the offences punishable under Sections 75(1), 75(2), 351(2), 351(3), 64(1), 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023, the applicant ***Manthan s/o Ashok Kolatwar*** shall be released on anticipatory bail, on executing PR Bond in the

sum of Rs.25,000/- with one solvent surety of the like amount.

- c] The applicant shall attend the concerned Police Station once in a week on Tuesday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency.
- d] The applicant shall surrender his mobile phone, if required, before the Investigating Officer and the said period will be considered as his custody for the purpose of Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023.
- e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

6. The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]