



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

CRIMINAL APPLICATION (ABA) NO.223 OF 2025
(Chandrakant s/o Devraoji Hewat Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.R. Vyas, Advocate for the applicant.
Ms R.V. Sharma, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 6, 2025.

Apprehending the arrest at the hands of police in connection with Crime No.237/2025 registered with Police Station Mouda, Nagpur Rural, for the offence punishable under Sections 74, 76, and 351; and later on Section 75, 127(b) of the Bhartiya Nyaya Sanhita, 2023 were added, 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, who is aged about 27 years, on an allegation that she was taken by the present applicant in a car and subjected her for the sexual harassment, as well as her modesty was outraged by physically touching her and by pulling her saree. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant invited my attention towards the various WhatsApp chats between the informant and the present applicant, and submitted

that the act of joining the company of the present applicant by the victim appears to be a consensual one. He submitted that, considering the nature of the WhatsApp chats that can be ascertained. Now, the mobile phone and car are already seized. The mobile phone of the victim is in the name of the another person. The custodial interrogation of the present applicant is not required. In view of that, the applicant be released on anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that the mobile phone of the victim is in the name of another person, and therefore, the custodial interrogation of the present applicant is required.

5. I have heard learned Counsel for both the sides. On perusal of the entire investigation papers, it reveals that there were continuous WhatsApp chats between the present applicant and the victim. Moreover, the willingness of the applicant that he is ready to produce the mobile phone and accordingly he has produced the mobile phone before the investigating officer. The car of the present applicant is also produced by him. The recitals of the WhatsApp chat shows that there was love affair between them. Thus, considering the same, the act of joining the company of the present applicant by the victim appears to be consensual one. As far as the custodial interrogation of the present applicant is concerned which

is not required. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) In the event of arrest, the applicant - Chandrakant s/o Devraoji Hewat in connection with Crime No. 237/2025 registered with Police Station Mouda, Nagpur Rural, for the offence punishable under Sections 74, 76, 351, 75 and 127(b) of the Bhartiya Nyaya Sanhita, 2023, be released on anticipatory bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Wednesday between 10.00 AM and 1.00 PM, till filing of the charge-sheet 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 either personally or by way of electronic media.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)