



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

CRIMINAL APPLICATION (ABA) NO. 546 OF 2025

Rohan s/o Rahul Jadhav 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. P.S. Wathore, counsel for applicant.

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

Mr. Yash P. Bage, counsel (appointed) for non-applicant No.2

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/08/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No. 69 of 2025 registered at Police Station Ansing District Washim for the offence punishable under Sections 67A of the Information Technology Act, 2000; Sections 8 and 12 of the Protection of Children from Sexual Offence Act, 2012 (POCSO Act); and Section 351(2) and 74 of the Bhartiya 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 brother of the present applicant and they were acquainted with each other. The present applicant has obtained her photographs in his mobile phone. She requested him to delete the photographs, but the present applicant has threatened her that he would make the said photographs viral. Thereafter, he

cropped the said photographs and videos, and obscene videos were uploaded on Instagram. On the basis of said report, police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant, who submitted that the custodial interrogation is not required, as primary investigation is already carried out. As far as the interrogation part is concerned, the applicant is ready to cooperate with the investigating agency and ready to attend the concerned police station. He also placed reliance on the decision of this Court in the case of *Madhav Krishna Vasave Vs State of Maharashtra, reported 2021 SCC OnLine Bom 833*. He further submitted that now statements are already recorded and the mobile phone is also seized. Thus, the custodial interrogation of the present applicant is not at all required.

4. Per contra, the learned APP and learned counsel for the victim strongly opposed the same and submitted that the intention of the applicant can be ascertained from the fact that he has cropped the photographs and thereafter uploaded them on Instagram. They further submitted that merely because the custodial interrogation is required is not sufficient to release the applicant on bail, as it is one of the considerations and not the sole consideration. The posting of the photographs and obscene videos itself is serious offence and therefore, the custodial

interrogation is required. In view of that, the application deserves to be rejected.

5. On hearing both sides and on perusal of investigation papers, the statement of the victim and as well as the statements of the other witnesses, the investigating officer has also collected the screenshot of the said post, which is posted on Instagram, which shows that the photographs are posted showing the intimate relationship of the victim with the applicant. Admittedly, the cropping of the photographs and posting it on Instagram, which is a social site itself, is a grievous offence. Considering the same, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

ORDER

- a] The criminal application is **rejected**.
- b] The fees of the appointed counsel be quantified as per Rule.

[URMILA JOSHI-PHALKE, J.]