



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

CRIMINAL APPLICATION (ABA) NO. 838 OF 2024

Swapnil @ Pappu S/O Rajendra Dangat 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. A.S. Manohar, counsel for applicant.

Mrs. Ritu Sharma, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 20/01/2025.

1. Apprehending the arrest at the hands of police in connection with Crime No.929/2024 registered with Police Station Ram Nagar, District Wardha for the offences punishable under Sections 74, 75(3), 78(2), 79 and 351(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached this Court for grant of pre-arrest bail.

2. Heard learned counsel for the applicant, who submitted that from the recitals of the FIR, it reveals that there was a consensual relationship between the present applicant and the victim. He has also invited my attention towards the WhatsApp chat as well as photographs which are placed on record, it shows that there was a consensual relationship between them. He submitted that merely to implicate the present applicant with the false allegation, the F.I.R. is lodged. As far as recitals of the FIR are concerned, at the most, the offence of stalking is made out, and the punishment up to three years is provided.

Therefore, the custodial interrogation of the present applicant is not required.

3. Learned APP strongly opposed the said application and submitted that considering the statement of the victim, she was subjected for sexual harassment, as well as sexual assault, by the present applicant. In view of that, the application deserves to be rejected.

4. After hearing both sides and on perusal of the recitals of the FIR as well as the investigation papers and especially the WhatsApp chats, from which, it reveals that there was a consensual relationship between the victim and the present applicant. As far as the recitals of the FIR are concerned, which show that out of the acquaintance with the present applicant, the victim developed a consensual relationship with him, and out of that, there was an intimate relationship. It further appears from the recitals of the FIR that, at the most, the case of the stalking is made out against the present applicant. As far as the custodial interrogation of the present applicant is concerned, which is not required. In view of that, interim protection granted to the present applicant deserves to be confirmed. Accordingly, I proceed to pass following order.

a] Application is allowed.

b] In the event of arrest, the applicant **Swapnil @ Pappu s/o Rajendra Dangat** shall be released on anticipatory bail in connection with Crime No.929/2024 registered with Police Station

Ram Nagar, District Wardha for the offences punishable under Sections 74, 75(3), 78(2), 79 and 351(2) of the Bharatiya Nyaya Sanhita, 2023, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

- c] The applicant shall not induce, threat or promise any witnesses including the victim either physically or through electronic media.
- d] 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 co-operate with the investigating agency.
- e] The applicant shall not enter into the jurisdiction of Ram Nagar Police Station, District Wardha, till further orders.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]