



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

CRIMINAL APPLICATION [ABA] NO. 855 OF 2024

AMOL S/o BHASKAR SAWALE

VERSUS

STATE OF MAH., THRU. P.S.O., P.S., MALKAPUR CITY, MALKAPUR, DIST. BULDHANA

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

Court's or Judge's Order

Mr. S. A. Mohta, Advocate for the applicant.
Mrs. M. A. Barabde, A.P.P. for the non-applicant/State

CORAM : G. A. SANAP, J.

DATE : JANUARY 17, 2025.

1. Heard Mr. S. A. Mohta, learned advocate for the applicant and Mrs. M. A. Barabde, learned Additional Public Prosecutor for the non-applicant/State.

2. This is an application for anticipatory bail made by the accused in Crime No. 740/2024 registered with Police Station, Malkapur City, Dist. Buldhana for the offences punishable under Sections 74, 75, 78, 296, 115(2), 351(2) and 352 of the Bhartiya Nyaya Sanhita, 2023.

3. Learned advocate for the applicant submits that a false report has been lodged by the informant against the accused. There was a dispute between the informant and the wife of the accused. It is pointed out that subsequent to the registration of the first information report in this case, a report was lodged by the wife of the accused and on the basis of the said report a crime bearing No. 741/2024 has

been registered against the informant in this case. Learned advocate submitted that considering the nature of allegations, custodial interrogation of the applicant/accused is not necessary. The applicant/accused is ready to abide by the conditions that may be imposed by this Court.

4. Learned APP submitted that the accused made a demand of Rs.3,00,000/- (Rupees Three lakhs only), alleged to have been borrowed by her deceased husband from the accused. It is alleged that the accused demanded sexual favour in case the informant had no money to repay. Learned APP submitted that there are eye-witnesses to the part of the incident occurred in front of Hotel Radhe. Learned APP submitted that the informant is a helpless lady, residing in the same locality. It is submitted that if anticipatory bail is granted to the applicant, then the applicant and his wife would pressurize the informant as well as tamper with the prosecution evidence.

5. I have gone through the record and proceedings. It is undisputed that on the basis of the report lodged by the wife of the accused, a crime bearing No. 741/2024 has been registered against the informant in this case. A copy of the said FIR has not been produced on record by the applicant. In this backdrop, the nature of the allegations in Crime No. 741/24 have been suppressed from this Court. It is the contention of the informant that the accused beat her by

leather belt. The second part of the incident occurred in front of Hotel Radhe. The statement of the owner and the statements of the employees of Hotel Radhe, who had accompanied the informant to the police station, have been recorded. It is *prima facie* seen that the applicant/accused, a colleague of the deceased husband of the informant, tried to take advantage of the situation of the informant.

6. The allegations made in the FIR lodged in this case are serious. In this backdrop, the apprehension put forth by the learned APP is fully justifiable. No case has been made out for granting anticipatory bail. However, depending upon the facts and circumstances and the stage of the investigation, it would be open for the Investigating Officer to issue a notice under Section 35(2)(6) of the Bhartiya Nyaya Suraksha Sanhita (BNSS), 2023.

7. The Criminal Application is accordingly rejected.

(G. A. SANAP,J.)