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42.aba.118.2025

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

CRIMINAL APPLICATION (ABA) NO.118 OF 2025

Dhananjay Prabhakarrrao Deshmukh

Vs.

State of Maharashtra, through Police Station Officer, Khadan, Akola and
another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Sirpurkar, Counsel for the applicant.

Ms. Swati Kolhe, APP for the non-applicant No.1/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 25/02/2025

1. Apprehending the arrest at the hands of police in connection with Crime No.137/2025 registered with Police Station, Khadan, District Akola for the offences punishable under Sections 74 and 78 of the Bharatiya Nyaya Sanhita, 2023 and under Sections 8 and 12 of the Protection of Children from Sexual Offences Act.

2. The crime is registered on the basis of report lodged by the victim girl aged about 16 years on an allegation that applicant is her teacher and who has sent her message on 11.02.2025 and sexually harassed her. On the basis of the said report, police have registered the crime against the present applicant.

3. Heard learned Counsel for the applicant who submitted that from the entire recitals of the FIR nowhere it reveals that the said messages were sent with sexual intent. The victim who failed in the 10th examination and she is not a student of the present applicant, only to implicate him in the alleged offence the false allegations are levelled. As far as the alleged offences are concerned, which are punishable up to three years, therefore the custodial interrogation of the present applicant is not required. There is no compliance in view of the directions of the Hon'ble Apex Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and Anr** reported in **(2022) 10 SCC 51**. In view of that the applicant be protected by granting ad-interim protection.

4. Learned APP strongly opposed the said application on the ground that victim aged about 15 years was subjected for the sexual harassment, and his custodial interrogation is required. In view of that prayer for grant of ad-interim protection deserves to be rejected.

5. After hearing both sides and on perusal of the recitals of the FIR, it reveals that the allegation against the present applicant is that he has sent the obscene messages. As far as the custodial interrogation is concerned, which is required only for the purpose of seizing the mobile phone of the

present applicant, which can be taken care of by protecting him and by directing him to produce the same before the Investigating Officer. As far as the custodial interrogation is concerned, which is not required and there is no compliance in view of the directions of the Hon'ble Apex Court in the case of **Satender Kumar Antil** (supra). For all above reasons, the applicant has made out a case for grant of ad-interim protection. Accordingly, I proceed to pass following order:

ORDER

(i) In the event of arrest, in connection with Crime No.137/2025 registered with Police Station, Khadan, District Akola for the offences punishable under Sections 74 and 78 of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, the applicant **Dhananjay Prabhakar Rao Deshmukh** shall be released on ad-interim anticipatory bail on executing PR Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(ii) The applicant shall produce his mobile phone before the Investigating Officer and such period shall be considered as his custody in view of Section 23(2) of the Bharatiya Sakshya Adhiniyam.

(iii) The applicant shall also attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 1.00 p.m. 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 physically or through electronic media.

6. Learned APP waives notice for the State and seeks time to file reply.

7. Stand over after two weeks.

(URMILA JOSHI-PHALKE, J.)