



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

CRIMINAL APPLICATION (ABA) NO.858 OF 2024

(Krushnakumar Sonu s/o Narayan Pathak Vs. The State of Maharashtra and anr.)

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

Court's or Judge's Order

Mr. S.S. Taram, Advocate for the applicant.
Ms R.V. Sharma, APP for the State.
Mr. V.V. Sharma, Advocate (appointed) for non-applicant No.2.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- JANUARY 31, 2025

Apprehending the arrest at the hands of police in connection with Crime No.422/2024 registered with police station Arjuni Morgaon, District Gondia for the offence punishable under Sections 64(1), 78(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant approached to this Court for grant of pre-arrest bail.

2. The crime is registered on the basis of report lodged by the victim aged about 35 years wherein she has alleged that there was acquaintance with the present applicant and friendship was developed between them. As there was no cordial relations between her and her husband, she was staying separately along with her children. At the relevant time, the present applicant was visiting her house. She further alleged that in the year 2018 the present applicant quarrelled with her, assaulted her and her children, and therefore, she started residing along with her mother. It is further alleged that the present applicant has called her, demanded sexual favour from her by saying that earlier she had relationship with him and

she should continue the same, otherwise he would make viral the obscene photographs. On the basis of the said report, police have registered the crime.

3. Learned Counsel for the applicant submitted that there was a consensual relationship between the victim and the present applicant and now this false report is filed by the victim. As far as the custodial interrogation is concerned he has cooperated with the investigating agency, and therefore, his custodial interrogation is not required.

4. Learned APP and learned Counsel for non-applicant No.2 strongly opposed the application. Learned APP invited my attention towards the crime chart and submitted that in all 8 offences are registered against the present applicant which shows that the applicant is of a criminal nature. She further submitted that the applicant is also not cooperating with the investigating agency. Though this Court has directed him to produce the mobile phone for the investigation purpose, he has produced the different IMEI number mobile phone. This fact itself is sufficient to show the intention of the present applicant, and therefore, the application deserves to be rejected.

5. After hearing both the sides and on perusal of the recitals of the FIR it reveals that considering the statement of the victim, the applicant was initially protected by this Court by granting ad-interim anticipatory bail. The nature of the allegation shows that initially there was a consensual relationship but then as the applicant has

ill-treated her and also assaulted her. She broken the said relationship and thereafter the applicant has threatened her that if she denies to continue sexual relationship he would made the obscene photographs viral. The investigating agency has also collected the CDR reports which shows that there was a communication between the present applicant and the victim prior to this incident.

6. After protection, the applicant has attended the police station but has not cooperated with the investigating agency reflects from the investigation papers as he has produced the different IMEI number mobile phone. The statements of the witnesses also shows that he has attempted to make the some messages viral. The statement of Umesh Jawalkar substantiates the said fact. Thus, considering the non-cooperation on the part of the present applicant, the investigating agency have also collected some obscene photographs during the investigation. The mobile verification panchama is also drawn. The *prima facie* case is made out against the present applicant.

7. Considering there is a non-cooperation from the present applicant and the criminal antecedents against him, the application deserves to be rejected.

8. The application is rejected accordingly.

9. The fees of the appointed Counsel be quantified as per rules.

(URMILA JOSHI-PHALKE, J.)