

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

**CRIMINAL APPLICATION (APL) NO. 1845/2025**

**Smt. Diksha Ashokrao Tajane Vs. State of Maharashtra, Through Police Station Officer, Police Station Hingna, Nagpur and another**

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Surendra Singh, Senior Advocate a/b Mr. Chaitanya B. Barve, Advocate for Applicant  
Mr. A.R. Chutke, APP for Respondents

**CORAM: NIVEDITA P. MEHTA, J.**

**DATED : 25<sup>th</sup> NOVEMBER, 2025**

Heard Mr. Surendra Singh, learned Senior Advocate for the applicant, and Mr. A.R. Chutke, learned Additional Public Prosecutor for the respondents.

2. The applicant has filed the present Criminal Application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, seeking quashing of the order dated 18.11.2025, passed by the learned Additional Sessions Judge-11, Nagpur, in Criminal Bail Application No. 3522/2025.

3. The facts, in brief, are that the present applicant was investigating Crime No. 412/2025. During the course of investigation, the father of Toyesh Mishra was summoned, who allegedly recorded certain conversations with the original accused, Liladhar Masram. Subsequently, Toyesh Mishra sent an audio

clip of the conversation to the informant, a minor girl. During the investigation, it was revealed that the audio clips sent by Toyesh Mishra had been edited. Accordingly, the applicant, as the Investigating Officer, seized the mobile phone of Toyesh Mishra for evidentiary purposes, and a seizure panchanama was drawn on 14.11.2025. Upon inspection, it was found that two audio clips on the device had been tampered with by Toyesh Mishra to shield himself from exposure. This fact was duly recorded in the case diary.

4. During the hearing of Regular Criminal Bail Application No. 3522/2025 filed by accused Liladhar Masram, Toyesh Mishra alleged before the Additional Sessions Judge-11, Nagpur, that the applicant had demanded Rs.50,000/-, out of which Rs.20,000/- had already been handed over on 14.11.2025, to prevent him from being named as an accused. On the basis of this contention, the learned Judge passed the impugned order.

5. Learned Senior Advocate appearing for the applicant submitted that the impugned order is manifestly non-est inasmuch as:

a) It does not indicate under which specific provision of law the learned Judge ordered the arrest of the applicant.

b) There is no reference to any formal investigation being initiated against the applicant, nor any mention of the grounds on which arrest has been exercised.

c) The order demonstrates non-application of judicial mind, as it appears to be based solely on unverified allegations of Toyesh Mishra without any independent inquiry or prima facie evaluation of evidence.

d) The act of the applicant in seizing the mobile phone was part of lawful investigation procedure, in exercise of statutory powers, and cannot constitute an offence without proper inquiry.

6. Per contra, Mr. Chutke, learned Additional Public Prosecutor for the respondents, opposed the application, submitting that the relief as prayed by the applicant should not be considered at this stage since instructions were yet to be obtained from the competent authority.

7. On careful consideration of the material on record, the following observations are made:

a) Prima facie, the impugned order appears to be based solely on allegations, without independent verification.

b) The applicant, as Investigating Officer, acted in furtherance of the investigation and in compliance with lawful procedure. There is no evidence at this stage indicating malafide intent or criminality on the part of the applicant.

c) Custodial action against a public officer exercising lawful powers without clear legal basis would be contrary to principles of natural justice and established judicial prudence.

d) The absence of citation of any provision under

which the arrest is directed and lack of any inquiry record suggests non-application of judicial mind in passing the impugned order.

8. In view of the above, on a prima facie consideration, the interim relief sought by the applicant is **justified**. Accordingly, **interim relief as sought in prayer clause (ii) is granted until further orders**.

A steno copy of this order be supplied to the parties to act upon.

**(NIVEDITA P. MEHTA, J.)**

*MP Deshpande*