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

CRIMINAL APPLICATION NO.112 OF 2016

Nilesh Devidasrao Joshi

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr S.J. Salunke, Advocate for applicant;
Mr S.J. Salgare, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 29th January, 2016

ORDER :

By the present application under section 438 of the Code of Criminal Procedure, the applicant is seeking pre-arrest bail, in connection with C.R. No.3089 of 2014, registered with Kadim Jalna police station, for offence punishable under sections 66-C, 66-A and 67 of the Information Technology Act, 2008 and under section 406 and 420 of the Indian Penal Code.

2. It is the case of the prosecution that the applicant got engaged with the sister of the complainant and subsequent thereto, by taking her into confidence, has secured password of her face-book account and thereafter posted certain messages, which has resulted into registration of the crime in question.

(2)

3. This Court, having regard to the qualification of the applicant and the nature of controversy, by an order dated 22nd January, 2016, has permitted the applicant to surrender his Laptop to the Investigating Officer. Mr Salunke, learned Counsel appearing on behalf of the applicant, upon instructions, seeks extension of one week's time to comply with the same.

4. In my opinion, the claim of the applicant does not call for any equity, particularly when this Court was considerate to the extent of granting latitude to the applicant so as to show his *bona fides* by surrendering Laptop and also passing on the password/I.P.

5. The extension to surrender the Laptop is sought on the ground that the applicant needs to take permission of his employer and there is certain data in the Laptop. In my opinion, for copying such data, an expert like the applicant hardly takes any time.

6. Apart from above, it appears that the applicant has no respect for law or the court proceedings, as on the last occasion, i.e. on 22nd January, 2016 when the applicant voluntarily made statement about surrender of the Laptop to the Investigating Officer and password/I.P. Instead of honouring the commitment made before the Court, the applicant has chosen to see his own convenience, which is sought to be a ground for extension. The calculated move on the part of the applicant could be viewed as an effort on his part to protract the investigation. His attempt appears to be to tamper with the evidence (Laptop) or not to co-operate in investigation.

(3)

7. In view thereof, in my opinion, the claim of the applicant does not call for any consideration. The approach of the applicant appears to be in complete disregard to the earlier orders.

8. Coming to the merits of the present matter, the conduct of the applicant depicts his *prima facie* involvement and there is ample material on record to connect him with the crime in question. The earlier approach of the applicant in not co-operating in investigation depicts his intention to commit the crime. Thus, the application fails and stands rejected.

(N.W. SAMBRE, J.)

amj