

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4485 OF 2016

BHASKAR S/O SUBHASH WANKHED AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
WITH

CRIMINAL APPLICATION NO. 4361 OF 2016

ARUN S/O SHESHRAO MITKARI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sachin S. Deshmukh.
APP for Respondent /State : Mrs. V. N. Patil (Jadhav).
...

CORAM : A. M. BADAR, J.

DATE : 23rd AUGUST, 2016.

PER COURT :

1] Five applicants in these applications who are accused in Crime No.246/2016 registered with Police Station Hadgaon, Dist. Nanded, for offences punishable under Sections 354-A, 292, 509, 506 r/w 34 of Indian Penal Code and sections 67 & 67-A of Information and Technology Act, 2000, by these applications, are praying for pre-arrest bail.

2] Heard the learned counsel for applicants / accused as well as learned APP. By drawing of attention to the printouts of whats-app messages and photographs, learned APP argues that,

complicity of applicants in the crime in question is prima facie established.

3] Perused the F.I.R. lodged by the informant who is Deputy District organizer of political party Shivsena. Perusal of the F.I.R. prima facie reveals that, applicants and informant were on hostile terms as according to the informant, prior to lodging of the F.I.R., applicants had insisted and forced her to join another political party named as Bhartiya Janata Party.

4] The F.I.R. further reveals that, informant had joined on a whats-app group, but subsequently she left the group as her post regarding some agitation was not taken in good taste by other members of the said group. According to the informant, she learnt from Pradip Chavan that, after she left the said group some of obscene photographs and some abuses are posted in the said group. It is not the averment of the informant that her own obscene photographs were posted on the whats-app group.

5] Be that as it may, considering the nature of offence and as the investigator has already seized the material on which the crime in question is based, custodial interrogation of present applicants is not warranted and, Therefore, the order :-

ORDER

- i) Both applications are allowed.
- ii) The order dated 12th August, 2016 and 5th August, 2015 granting Ad-interim anticipatory bail to the present applicants is confirmed on the following terms and conditions.
- iii) As a condition of this Order, the applicants shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.
- iv) The applicants shall not tamper with the prosecution evidence.
- v) The applicants to attend concerned police station on 28th August, 2016 in between 11:00 a.m. to 1:00 p.m. and he shall cooperate the Investigating Officer in investigation of the crime in question till filing of the charge-sheet.
- vi] Both Applications stand disposed of in the aforesaid terms.

[A. M. BADAR]
JUDGE