

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

CRIMINAL APPLICATION NO. 4811 OF 2016

1. Avinath s/o. Bandu Bhoyar .. Applicants
Age. 24 years, Occ. Education,
R/o. Warula, Tq. Hadgaon,
Dist. Nanded.
2. Sanket s/o. Sadashiv Muneshwar
Age. 20 years, Occ. Education,
R/o. Hadgaon, Tq. Hadgaon,
Dist. Nanded.

Versus

The State of Maharashtra .. Respondent

Mr.M.S. Shaikh h/f. Mr. Sachin S. Deshmukh, Advocate for
the applicants.

Mr.S.P. Sonpawale, A.P.P. for respondent/State.

CORAM : A.M. BADAR,J.

DATED : 04.10.2016

P.C. :-

1. Applicants/accused in Crime No.246/2016 registered with Hadgaon Police Station, Dist. Nanded, for the offence punishable under sections 354-A, 292, 509, 506 read with 34 of the Indian Penal Code and under sections 67 & 67-A of Information Technology Act, 2000, by this application are praying for pre-arrest bail.

2. Heard learned Counsel for applicants/accused. He argued that applicants are falsely implicated in the

crime in question and other co-accused are granted same relief by this Court.

3. Learned A.P.P. opposed the application by contending that text messages and pictures show complicity of applicants in the crime in question.

4. The F.I.R. of the crime in question is lodged by the informant who is Dy. District Organizer of political party - Shiv Sena. Perusal of the F.I.R., prima facie, shows that the accused and the informant were on hostile terms, because of alleged insistence to the informant to join Bhartiya Janata Party.

5. On this background the F.I.R. reveals that the informant had joined a Whatsapp group but subsequently she left the group as her post regarding some agitation in respect of incident of Kopardi, has not taken in good taste of that group. Subsequently, she learnt from witness, named, Pradip Chavan that some obscene photographs and some abuses are posted in the said group. It is not averment of the informant that she was member of the group.

6. I have perused the print-out of said text and alleged photographs. When the informant was not a member

of that group, custodial interrogation of present applicants is not warranted. Therefore, the following order :-

O R D E R

- i) The application is allowed.
- ii) The interim order dated 26th August, 2016 is confirmed on same terms and conditions.

[A.M. BADAR, J.]