

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.788 OF 2016

Anupam Ajit Kambli	..Applicant
V/s.	
The State of Maharashtra	.. Respondent

Ms.Swati Sawant a/w Ms.Leena R. Sawant for the applicant.
Smt.R.M.Gadavi APP for Respondent-State.

CORAM : A.M. BADAR, J.

DATE : 07th JUNE, 2016.

P.C.

1. The applicants/accused in Crime No.76 of 2016 registered with Police Station Kankawali, for the offences punishable under section 67, 67A of the Information Technology Act and under Section 501 and 506 of the Indian Penal Code, by this application is praying for pre arrest bail.

2. Heard the learned counsel appearing for the applicant. She argued that the applicant has posted some material on his face book account but the name of the informant is not mentioned in that material. She further argued that as name of the applicant is not mentioned in the material so posted, custodial interrogation of

the applicant is not warranted. The applicant is highly educated person and he is working as a journalist. Therefore, the application needs to be allowed. As against this the learned APP contended that offences alleged against the applicant is serious and for recovery of his laptop and other electronic material, his custodial interrogation is warranted.

3. Perused the FIR as well as papers of investigation. The offence in question came to be registered on the basis of report lodged by Rajan Krushna Teli. The report shows that he is the Regional Secretary of the Bhartiya Janta Party and that the accused has sent a friend request to his son Prathamesh which was ultimately accepted. According to the FIR, the applicant/accused has posted defamatory as well as sexually explicit material on the face book in order to defame the informant.

4. I have perused the material so posted by the applicant collected during the course of investigation. In some of the post, name of the informant is mentioned by the applicant/accused. Perusal of the posts of present applicant shows that luscious material which can appeal to the prurient interest and sexually explicit material was posted by the applicant on the face book account.

Naming a person in such post is not requirement of either section 67 or 67A of the Information Technology Act 2000, hence no substance can be found in the argument of the learned counsel for the applicant that as the informant is not named in the post, no offences are made out. The offence alleged against the applicant is serious and his complicity is well established from the material collected during the course of the investigation. Custodial interrogation of the applicant is warranted for the recovery of the electronic material which will form the evidence. Hence the order.

ORDER

- (i) The application is rejected.

(A.M. BADAR, J.)