

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 426 OF 2017
IN
ANTICIPTORY BAIL APPLICATION NO. 737 OF 2017**

Poonam Agarwal ...Applicant
Versus
State of Maharashtra & Anr. ...Respondents

**WITH
ANTICIPTORY BAIL APPLICATION NO. 737 OF 2017**

Deepchand s/o Kashmir Singh ...Applicant
Versus
The State of Maharashtra & Anr. ...Respondents

Mr. Amit Desai, Sr. Advocate with Mr. Prashant Kumar i/b Mr. Jaideep Lele
for the Applicant

Mr. Deepak Thakare, A.P.P for the Respondent-State

PI Mr. V. P. Lokare from Deolali Camp Police Statiion, Nashik City, is
present.

CORAM : REVATI MOHITE DERE, J.
FRIDAY, 5th MAY, 2017

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks modification of the order dated 26th April, 2017, in particular clauses (iii) and (iv) of para 9.

Learned Senior Counsel submits that modification of the said order is necessitated, as it is learnt by the applicant, that even if the devices are cleaned up, the entire data can be retrieved and hence, the applicant apprehends that other sensitive information is also likely to be retrieved in the said process. He submits that the said other sensitive information needs to be protected. He submits that the applicant being an investigative journalist, has other sensitive and confidential information on the said devices, which she cannot compromise with. He submits that the applicant cannot, in anyway, jeopardize the investigation carried out by her and other confidential and sensitive information collected in other matters. He, therefore, requests that the applicant be permitted to deposit all the devices mentioned in clauses (iii) and (iv) i.e. the laptop, mobile phone, on which the audio recording was done as well as the camera with the memory card in the Registry of this Court, till the next date. He further submits that the applicant, in addition, is also ready to deposit her personal phone, containing a small clipping. He states that the said personal phone also will be deposited with the Registrar (Judicial-I) of this Court, till the next date. He submits that there is sensitive and personal information on all the said devices and that some modalities will have to be worked out, as to how

best, only the relevant data concerning the case can be downloaded, without in any way, jeopardizing other sensitive and confidential information.

3. Learned A.P.P seeks time.

4. In the meantime, the conditions in clauses (iii) and (iv) of Para 9 of the aforesaid order are modified. Accordingly, the applicant is directed to deposit her Laptop, mobile phone on which the audio recording was done, as well as the camera along with the memory card as well as her personal phone with the Registrar (Judicial-I) of this Court on or before 9th May, 2017, either herself or through her Advocate Mr. Lele. The said devices deposited will be kept in a sealed condition, until further orders.

5. The order dated 26th April, 2017, is modified to the above extent. Rest of the order to remain as it is.

6. Application is disposed of accordingly.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.