

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 992 OF 2017**

Mukesh Kanti Patel

...Applicant

Versus

The Union Territory of Daman & Diu

...Respondent

Mr. Subodh Desai with Mr. Pawan Mali, Ms. Raksha Jain and Ms. Jesal Rathod i/b Ms. Raksha Jain for the Applicant

Ms. P. H. Kantharia, Spl. P.P. for the Respondent No.1

CORAM : REVATI MOHITE DERE, J.
THURSDAY, 6th JULY, 2017

P.C.

1. Heard learned Counsel for the parties.
2. By this application, the applicant seeks pre-arrest bail in connection with C.R. No. 87 of 2017 registered with the Nani Daman Police Station, Daman, for the alleged offence punishable under Section 3(1) of the Official Secrets Act.
3. Learned Spl. P.P. states that the applicant has reported to the Investigating Officer as directed by this Court vide order dated 13th June, 2017.

4. Perused the papers. The incident has taken place on 7th December, 2015. The complainant is Shri T. Anilkumar, Deputy Inspector General, Commanding Officer, Indian Coast Guard Air Station, Nani Daman. It is alleged by the complainant that the applicant had taken a photograph from his residence of an aircraft taking-off and had uploaded the same on the social network site in 2015, despite the fact that photography is prohibited in the Defence area. The incident is of 2015 and the complaint is lodged in 2017. The applicant has attended the concerned Police Station as directed by this Court vide order dated 13th June, 2017. Considering the same, custodial interrogation of the applicant is not required. Accordingly, application is allowed and the applicant is granted pre-arrest bail on the following terms and conditions :

ORDER

- (i) In the event of the arrest, the applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (ii) The applicant shall report to the Investigating Officer of the Nani Daman Police Station as and when called.

5. The application is accordingly disposed of.
6. It is made clear that the observations made herein are *prima facie*, for the purpose of deciding this application.
7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.