

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

CRIMINAL BAIL APPLICATION NO.2806 OF 2017

Vaibhav Bhausahab Pawar

...Applicant

vs.

The State of Maharashtra

...Respondent

Mr.Dhananjayrao D. Rananaware for the Applicant.

Mr. Vinod Chate, APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 12th December, 2017

P.C.:

. Heard. This is an application under section 439 of the Code of Criminal Procedure. The Applicant herein is arrested on 17/11/2017 in Crime No.183/2017 registered at Aundh Police Station, Dist. Satara for offences punishable under section 295A, 153A read with 34 of Indian Penal Code.

2. It is the case of the prosecution that on 16/11/2017 one Kuldeep Ingale lodged report at the Police Station that he had come across a post put up by one of the member of a What's App Group by name V P Friends Circle which showed that image of Dr. Babasaheb Ambedkar was defaced and the said image was circulated. On the basis of the said report Crime No.183/2017 was registered at Aundh Police Station, Satara.

3. Mr. Rananaware, learned counsel for the Applicant submits that the Applicant has been in custody since 17/11/2017. That the offence is punishable upto two years and are triable by a Court of Magistrate. It is also submitted that the Applicant cannot be held liable for the post put up by other members of the said group, although he happens to be the Group

Admin. Learned counsel for the Applicant therefore prays for grant of bail.

4. As against this Mr.Chate, learned APP submits that the Applicant has made an attempt to create disturbance in the society by defacing the image of Dr. Babasaheb Ambedkar. That investigation is still in progress and therefore the Applicant does not deserve to be enlarged on bail.

5. Taking into consideration the papers of investigation and submissions advanced across the bar, this Court is of the opinion that the Applicant deserves to be enlarged on bail. Learned counsel for the Applicant also submits that the Applicant had no intention to create enmity between two social groups or between any castes and therefore lenient view be taken.

6. The observations made hereinabove are prima facie in nature and shall not be considered for quashing of FIR, discharge application or at the time of trial as they are restricted only to the application under section 439 of the Code of Criminal Procedure. Hence, the order:

ORDER

1. The application is allowed.
2. Applicant-Vaibhav Bhausahab Pawar be enlarged on bail on furnishing P. R. bond in the sum of Rs.30,000/- with one or two solvent sureties in the like amount.
3. Applicant shall co-operate with the Investigating Agency by reporting to the Investigating Officer on every alternate day in between 10.30 a.m. and 12 noon till filing of the charge-sheet.

Application stands disposed of.

(SADHANA S. JADHAV, J.)