

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1669 OF 2017

Nikita Harish Gynchandani	...Applicant.
vs.	
The State of Maharashtra	...Respondent.

Mr. M.S. Mohite with Mr. Shailesh Chavan for the Applicant.
Mr. Mohit Advani i/by Cyril Amarchand Mangaldas for the complainant.
Mr. Ameet Palkar, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 31st January, 2018

P.C:

1. By an order dated 25.9.2017 the applicant was granted interim relief and was directed to attend the Investigating Officer on stipulated dates.
2. Heard the learned counsel for the applicant, learned counsel for the first informant and the learned APP. Perused the record of investigation.
3. The first information report is lodged by Mr. Shailesh Manohar, Vice President of Prime Focus Technologies Ltd. situated at Andheri,

Mumbai. The said company is in the business of creating platform for transmitting programmes which are telecast on various TV Channels or otherwise. That, the informant's company therefore created Data Storage Processing and Delivering Final Viewer's file. It is alleged that Abhishek Ghidiyal was working with the respondent company as a Senior Test Engineer who by using Admin I. D. and password and software leaked and forwarded Episode No.4 of Season 7 of Game of Thrones to co-accused Bhaskar Joshi who in turn forwarded the same to Mohammed Suhail. It is further alleged that co-accused Alok Sharma created a link to access Episode No.4 for downloading and watching the said episode who in turn sent back the said link to co-accused Alok Sharma.

The record of Investigation indicates that co-accused namely Abhishek Ghidiyal, Bhaskar Joshi, Mohammed Suhail and Alok Sharma were arrested by the Investigating officer have been released on regular bail. As noted herein above, it is only the role attributed to the applicant that she received the said link on skype from Alok Sharma and she watched the 4th episode of Games of Thrones. As noted herein above it is the only role attributed to the applicant that she received the said link from Alok Sharma for viewing the 4th

Episode of Games of Thrones and she reverted the said link back to Alok Sharma on his mobile. The record further indicates that that the mobile phone and Laptop used by the applicant has been seized by the Investigating Officer and nothing further is to be recovered from her.

4. In view of the above and after taking into consideration of the facts of the present case this Court is of the view that custodial interrogation of the applicant for further investigation of the present crime is not necessary.

5. In view thereof, the interim relief granted on 25.9.2017 is hereby confirmed. However, the condition to attend the Investigating Officer is waived.

6. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)