

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

ANTICIPATORY BAIL APPLICATION NO. 1952 OF 2018

Vicky Ashok Khanna	... Applicant
Vs.	
State of Maharashtra	... Respondent

...

Mr. Akshay Bhalerao for the applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 24th SEPTEMBER, 2018.

P.C.

1. This is an application for anticipatory bail in connection with C.R. No. 186 of 2018 registered with Aarey Police Station for the offence punishable under Section 354(c), 342 of Indian Penal Code read with Sections 66(c)(d)(e) and 67(a) of the Information Technology Act.

2. It is the case of the prosecution that victim was engaged for domestic work in the house of the applicant by his wife. She was getting salary of Rs.12,000/- per month. After completing work, she used to take bath in the house of accused before proceeding home. On 10th July, 2018, after she completing the work in the house of accused, complainant took bath at the house of accused,

while she dressing, the wife of the applicant clicked her photographs, when complainant asked as to why she is taking photograph, she stated that she will not misuse the same. On 25th July, 2018, the complainant did not report for work. Wife of applicant lodged complaint with Aarey Police Station that the complainant has taken money. N.C. Complaint was lodged. On 26th July, 2018 Mrs. Khanna (wife of applicant) apologized and requested complainant to join work. On 11th August, 2018, land lady of the complainant informed her that on whatsapp group, the wife of the applicant had circulated her semi nude photographs. Other persons also informed her about the same. The accused also sent derogatory message against the complainant. Hence, FIR was lodged on 17th August, 2018.

3. Learned advocate for the applicant submitted that the First Information Report does not attributes overt act to applicant. Wife of the applicant was arrested and on first day she is granted bail. Mobile phone has been recovered by the police and the same is being forwarded for the opinion. It is further submitted that wife of the applicant had lodged the complaint of theft against the informant with the concerned police station. However, no cognizance has been taken of the said complaint. Only non

bailable offence is under Section 67A of the Information Technology Act.

4. Learned APP submitted that investigation is in progress. Wife was arrested and granted bail. Opinion of the expert is awaited. The accused have committed serious crime. The photograph and derogatory message was circulated by accused.

5. Having considered allegations made in the First Information Report, I do not find that the custody of the applicant is necessary for the purpose of investigation. The tenor of the FIR indicates that the allegations are primarily against the wife of the applicant. She was arrested and granted bail. In the circumstances, the case for grant of anticipatory bail is made out.

ORDER

- i) In the event of arrest of applicant in connection with CR No. 186 of 2018 registered with Aarey Police Station, Mumbai, the applicant be released on bail on furnishing P.R. Bond in the sum of Rs.20,000/- (Rs. Twenty Thousand only) with one or two local solvent sureties in the like amount;
- ii) The applicant shall report to investigation officer of the concerned police station once in a week on Friday between 10.00 a.m. to 12 noon till filing of the chargesheet;
- iii) Anticipatory Bail Application stands disposed of.

Sachidanand
Kuttan Nair
Digitally signed
by Sachidanand
Kuttan Nair
Date:
2018.09.28
14:42:02 +0530

(PRAKASH D. NAIK, J.)