

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1048 OF 2019

Ms. Aayushi Agarwal] ... Applicant

Versus

The State of Maharashtra] ... Respondent

WITH
CRIMINAL APPLICATION NO. 846 OF 2019

Mrs. Geeta Sunil Joshi] ... Applicant/
Intervener

Versus

The State of Maharashtra] ... Respondent

Mr.Karl P. Rustomkhan I/b Prajyot Shrivastav, Advocate for Applicant.
Smt. A.A. Takalkar, APP for State/Respondent.
Mr. Amreek Singh I/b Mr. Sandeep Bali, Advocate for Intervener.

CORAM :- SARANG V. KOTWAL, J.
DATE :- 11 JUNE, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R.No.49/2019 registered with Khandeshwar Police Station, Navi Mumbai u/sec. 419 of I.P.C. and under Section 66 C, 66 E and 67 of the Information Technology Act, 2000.

2. The FIR is lodged by one Geeta Joshi. She has mentioned in the FIR that she was a Director of Apogee Achievers Point Pvt. Ltd. It is a coaching institution preparing students for competitive examinations. On 23/02/2019 a message was posted on Google Map page of the said company that the company was about to be shut due to insufficient funds in that year. The worried parents and students started making inquiries because of this. On another occasion i.e. on 24/02/2019 another review was posted mentioning that the owners of company had link with foreign countries. According to the first informant these reviews and messages were posted mischievously to cause harm to the company. The first informant/company lodged their complaint with Google. It was transpired that said messages and reviews were posted by the present applicant. On these allegations, the FIR was lodged.

3. Heard Mr.Karl P. Rustomkhan, Ld. Counsel for the Applicant, Smt. A.A. Takalkar, Ld. APP for the State/Respondent and Mr.Amreek Singh, Ld. Counsel for the Intervener.

4. Ld. Counsel for the applicant submits that the sections applied in the present case i.e. Section 66 C, 66 E and 67 of the Information Technology Act, 2000 are all bailable offence in view of Section 77 B of the Information Technology Act, 2000. Even the offence u/sec. 419 of I.P.C. is bailable.

5. Ld. Counsel appearing for the first informant submitted that since all the offences are bailable, anticipatory bail application itself was not maintainable. Ld. APP accepted the fact that all offences are bailable. In view of the matter, the applicant has to be released on bail if arrested.

6. Though the offences are bailable, strictly speaking anticipatory bail application may not lie. Applicant's anticipatory bail application was rejected by the Court of Sessions at Alibag, District Raigad. Therefore, the applicant has apprehension of being arrested in connection with this crime. In view of the above discussion, it will be proper if it is clarified that the applicant has to be granted bail on her arrest. In view of this, following order is passed.

ORDER

1. In the event of her arrest in connection with C.R.No.49/2019 registered with Khandeshwar Police Station, Navi Mumbai the Applicant be released on bail on her executing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.
3. In view of the disposal of anticipatory bail application, the application for intervention is also disposed of.

(SARANG V. KOTWAL, J.)