

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1776 OF 2019**

Vrushal Mahendra Khandke	...Applicant
Versus	
The State of Maharashtra	...Respondent

Mr. M. S. Mohite i/b Mr. Harshad Bhadbhade for the Applicant

Mr. S. S. Hulke, A.P.P for the Respondent-State

PI Mr. Sahasrabudhe and PN Mr. Ganesh Bagwe from Cyber Police Station, CB CID, Mumbai, is present

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 18th SEPTEMBER 2019

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. 5 of 2018 registered with the Cyber Police Station, Mumbai, for the alleged offences punishable under Sections 419, 465, 469, 500, 505 r/w 34 of the Indian Penal Code and under Section 66© of the Information Technology Act.

3 Learned counsel for the applicant submits that the applicant is running an M.R.I. Centre in the name and style of Crescent Imaging at

M.H. Sabu Siddiqui Hospital at Imamwada, Bhendi Bazar, Dongri. He submits that the Cyber Police seek to arrest the applicant in connection with a satirical article, which is on page nos.24 and 25 of the application. He submits that it is the prosecution case, that the said article along with its appendix was sent to the Chief Minister's Office, Government of Maharashtra by E-mail through one Prakash Tambe's e-mail ID. He submits that in the course of the investigation, one Sarvesh Yadav was arrested and it was found that Sarvesh's mobile phone was used for OTP purpose. According to the prosecution, the applicant had created the e-mail ID. Learned counsel for the applicant states that all the sections are bailable, except Section 505 of the Indian Penal Code, which is clearly not applicable in the facts of the present case.

4 *Prima facie*, taking the prosecution case as it stands, it is doubtful whether the offence would be one under Section 505 of the Indian Penal Code. The applicant has reported to the Investigating Officer as directed vide the interim order dated 14th August 2019. The laptops/pen-drives that were found, have been sent for forensic examination. In the facts, custodial interrogation of the applicant is not warranted. Accordingly, the application is allowed and the interim order dated 14th August 2019 stands confirmed 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.

5 The application is allowed in the aforesaid terms and 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.