

Anand

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

ANTICIPATORY BAIL APPLICATION NO. 2003 OF 2019

Satyaprakash Birendrakumar Thakur

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Sudeep Pasbola a/w Mr. Karl Rustom Khan, Advocate, for the Applicant

Mr. S. S. Hulke, APP, for the Respondent – State

Mr. A. E. Kaldate, PI, Kasarvadavali Police Station, Thane present

CORAM : REVATI MOHITE DERE, J.

DATE : 16.09.2019

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant seeks pre-arrest bail in connection with C. R. No. 208 of 2019 registered with the Kasarvadavali Police Station, Thane, for the alleged offences punishable under Sections 67 & 67(A) of the Information Technology Act.

3. According to the Complainant – Hemant Ashok Rajput, he, his wife and other members of the society were on whatsapp group. It is alleged by the Complainant that on 16.08.2019, the Complainant's wife noticed a whatsapp message on the said group sent by the Applicant, which is stated to be obscene and objectionable and directed towards the

women group of the society. A perusal of the said whatsapp message, prima facie, does not show that there was any intention on the part of the Applicant to defame any person. Infact, the alleged objectionable message was deleted by the Applicant and in the next message, the Applicant has stated that please ignore this message and by mistake it was posted. The Applicant also appears to have apologized, after clarifying his stand and left the group, after the said incident. Prima facie, it is doubtful whether the provision of Section 67A of the Information Technology Act is attracted in the facts.

4. In the facts, custodial interrogation of the Applicant is not warranted. Accordingly, the Application is allowed and the Applicant is granted pre-arrest bail on the following terms & conditions :-

ORDER

(i) In the event of arrest, the Applicant be enlarged on bail, on executing P. R. Bond in the sum of **Rs. 10,000/-** with one or two sureties in the like amount;

(ii) The Applicant shall report to the investigating officer of the concerned police station on **23rd & 24th September, 2019** between **10.00 a. m. and 11.00 a. m.** and thereafter, **as & when called for** by the investigating officer.

(iii) The Applicant shall not tamper with the evidence or attempt to influence or contact the complainant, witnesses or any person

concerned with the case.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)