

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3359 OF 2018

Girishkumar Girijalal Maheshwari @
Girish Kishanlal Maheshwari, Age 36 years,
Occ.Service, R/o.Bawla, Tal.Bawla, Dist.
Ahmedabad, Gujarat.

Applicant

versus

The State of Maharashtra

Respondent

Mr.Prakash N. Wagh for applicant.

Ms.A.A.Takalkar, APP, for State.

Mr.Jaywant Pawar, Police Inspector, Goregaon Police Station, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 24th January 2019

PC :

1. The applicant is arrested on 5th July 2018 in connection with CR No.383 of 2018 registered with Goregaon Police Station. The offences were registered under Sections 509, 506(2) of Indian Penal Code r/w Sections 67 and 66(c) of Information and Technology Act r/w Sections 11, 12 and 18 of Protection of Children from Sexual Offences Act. On completing investigation charge sheet has been filed.

2. The prosecution case is that the complainant forwarded an e-mail to police complaining that she has received a message on her twitter account from @girishk1605 stating that he wants to rape complainant's daughter. It was also alleged that one fake quote attributed to her with regards to the shamful Mandsaur rape went viral. That fake quote shows that she stood in support of the accused of that heinous crime. The intent behind the quote is to malign her and also wrong

information is spread to create unrest. The screen shot of the fake quote was attached. FIR was registered on 3rd July 2018. The statement of complainant was recorded on 8th July 2018. In the said statement it was stated that the complainant is operating twitter account bearing name as Priyankac19. On 1st July 2018 she received message from the person who is operating twitter account girish1605 in which aforesaid objectionable message was forwarded. The tweet also contain photograph of the complainant. The complainant took screen shot of the said message. She also received screen shot from person who was using mobile no.8210039492 which contained photograph of the complainant along with statement below stating that “Only one rape has been conducted at Mandsaur. Muslims have right to rape. Our party is with Irfan – ” The statement was followed by the name of complainant and political party. Pursuant to that investigation had proceeded and the applicant came to be arrested on 5th July 2018. Since then he is in custody.

3. The applicant preferred application for bail before the Sessions Court which has been rejected. Learned counsel for applicant submits that he has been falsely implicated in this case. Investigation is completed and charge sheet is filed. The provisions of POCSO Act are not applicable. The accused has not forwarded the message to the minor. Mobile phone and laptop is recovered by police.

4. Learned APP submits that investigation revealed the complicity of applicant in the crime.

5. I have perused the FIR. The investigation is apparently completed and charge sheet is filed. It is submitted that there are no criminal antecedents against the applicant. Applicant is in custody from 5th July 2018. Further custody of applicant is not necessary. Considering

the aforesaid circumstances and sentence provided for the offences, case for grant of bail is made out on certain terms and conditions.

6. Hence, I pass following order :

ORDER

- (i) Criminal Bail Application No.3359 of 2018 is allowed and disposed off;
- (ii) The applicant is directed to be released on bail in connection with CR No. 383 of 2018 registered with Goregaon Police Station, Mumbai, on furnishing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- (iii) The applicant shall report Goregaon Police Station once in a month on every first Saturday between 11 am and 1 pm till further orders;
- (iv) The applicant shall not tamper with evidence and prosecution witnesses, and shall attend regularly Trial Court proceedings, unless exempted by the Trial Court for some reason;
- (v) In the event of breach of any condition, the prosecution will be at liberty to seek cancellation of bail;
- (vi) The applicant is permitted to furnish cash security in the sum of Rs.25,000/- for two weeks.

(PRAKASH D. NAIK, J.)

MST