

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 2643 OF 2018

Santosh Kumar Bishnoi ... **Applicant**

V/s.

The State of Maharashtra ... **Respondent**

Mr.Vivek Pandey for Applicant.

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

CORAM : A.S. GADKARI, J.

DATE : 23rd April 2019.

P.C. :

1] The applicant is apprehending arrest in connection with C.R. No. I-194 of 2018 dated 09/04/2018 registered with Oshiwara Police Station, Mumbai, for the offence punishable under Section 509, 354(D) (2), 507, 506, 34 of the Indian Penal Code and Section 67(A) of the Information Technology Act, 2000.

2] Heard the learned counsel for the applicant and the learned APP for the State. Perused the record of investigation.

3] It is the prosecution case that, the prosecutrix gave a interview on television pertaining to the hearing of bail application of

Mr.Salman Khan, wherein it is alleged that, the prosecutrix used derogatory words and made derogatory statements against the Bishnoi community of Rajasthan. After the said news got viral on television and also on social media, it is alleged that, the applicant gave a phone-call to the prosecutrix and asked her that, whether the prosecutrix is having any evidence for whatever she said about Bishnoi community of Rajasthan. It is further alleged that, the applicant thereafter shared the mobile number of the prosecutrix with other people of his community who in turn abused the prosecutrix in filthy language and blamed her for defaming Bishnoi community on television and so also on social media. It is alleged that, the people who were calling the prosecutrix on mobile phone also published certain derogatory messages on facebook. It is further alleged that between 7/4/2018 and 9/4/2018 the applicant threatened the prosecutrix on her mobile phone for her interview on television pertaining to the bail application of Mr.Salman Khan.

The facts mentioned herein-above are the facts narrated by the prosecutrix in the first information report.

4] The record of investigation indicates that the mobile phone/handset of the applicant is already seized by the police and sent

to Forensic Science Laboratory. The police are seeking custody of the applicant for recovery of the said mobile phone.

Most of the offences alleged against the applicant are bailable offences, except an offence under Section 67(A) of the Information and Technology Act, 2000.

5] In view of the above, the applicant can be protected by pre-arrest bail.

Hence, following order :-

- (i) In the event of arrest in C.R. No. I-194 of 2018 dated 09/04/2018 registered with Oshiwara Police Station, Mumbai, the applicant shall be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one or two local sureties in the like amount.
- (ii) Applicant shall not tamper with the evidence and/or interfere with the process of investigation.
- (iii) Applicant to cooperate with the process of investigation.
- (iv) Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]