

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application (ABA) No. 148 of 2019

Bablu Ramprasad Yadav
Vs.
State of Mah. Through P.S. Buldhana City

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Mahesh Rai, Advocate for applicant
Mr. H.R. Dhumale, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JULY 11, 2019

The applicant herein has approached this Court apprehending arrest in connection with FIR dated 15/01/2019, whereby the offence was registered against him and another accused person under Section 292 of the Indian Penal Code and Sections 64, 66-A, 67-A and 74 of the Information Technology Act, 2000.

2. The allegation against the applicant, who is Editor of weekly newspaper is that obscene and derogatory articles with caricature of the complainant were published in the said newspaper. On 11/03/2019, while issuing notice, this Court granted ad-interim protection to the applicant on the condition that he would co-operate with the investigating agency and that he would attend the Police Station once a week on every Sunday.

3. Thereafter, reply affidavit was filed on behalf of the non-applicant / State, pointing out that the applicant was not co-operating with the investigation and that he had criminal antecedents as on earlier occasions also cases were registered against the applicant for similar offences. A specific assertion by the learned APP appearing on behalf of the non-applicant State that the applicant had not been co-operating with the investigation. An affidavit was filed by the applicant stating that he had deposited his laptop and pen-drive with the Investigating agency and that, therefore, there was sufficient material to show that the applicant was co-operating with the investigation.

4. The learned APP appearing on behalf of the non-applicant State has pointed out that the laptop which is deposited by the applicant is not in a working condition and that the pen-drive contains only PDF file while the original file is yet not deposited by the applicant with the investigating agency. Moreover, it is pointed out that the co-accused, who has also moved an application for anticipatory bail before this Court has asserted in his application that the present applicant had allegedly forged the signature of the co-accused in an application purportedly filed for grant of anticipatory bail.

5. Considering the nature of the offences, criminal antecedents, and the fact that the applicant does not seem to be co-operating with the investigation, shows that the present application deserves to be rejected. Another interesting aspect of this matter is that while the FIR was registered on 15/01/2019 and interim protection was granted by this Court on 11/03/2019, instead of co-operating with the investigation and depositing his mobile phone with the investigating agency, the applicant in his affidavit before this Court has claimed that his mobile was stolen on 26/3/2019. The aforesaid series of events clearly indicate that the applicant does not deserve any relief in the present application and that despite interim protection by this Court the applicant has failed to co-operate with the investigation.

6. In view of the above, the present application is dismissed.

JUDGE