

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

ANTICIPATORY BAIL APPLICATION NO. 2751 OF 2019

Dharmendra Kumar Singh Applicant

Versus

The State of Maharashtra Respondent

Mr.Ram Mani Upadhyay, for the applicant.

Smt. Jyoti Lohokare, APP for the State/Respondent.

CORAM :SARANG V. KOTWAL, J.

DATE : 18th SEPTEMBER,2021

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No. 387 of 2019, dated 22/09/2019, registered at Vile Parle Police Station, under sections 509 and 354 of the Indian Penal Code and under Section 67 of the Information Technology Act.

2. Heard Mr. Ram Mani Upadhyay, learned counsel for the applicant and Smt. J.S. Lohokar, learned APP for the State.

3. The first informant in her FIR has mentioned that she was knowing the applicant through their common social work and some times there used to be interaction on WhatsApp messages in regard to the various work done by the applicant. According to the first informant she did not always reply to the messages of the applicant. The main allegation in the FIR is that on 22/09/2019, at about 4.00 p.m, she received an objectionable video clip from the applicant's Whats-App. The informant was extremely offended and lodged complaint before the Police.

4. Learned Counsel for the applicant submitted that the video clip was forwarded inadvertently and after realising this, he immediately sent a message in the same evening at about 7.09.p.m. apologizing to the informant and explaining that his mobile was in someone else's hands and accidentally, the message was forwarded. This apology was forwarded prior to lodging of the FIR. He submitted that there was no intention to commit this offence. He has co-operated with the investigation and has handed over his mobile phone to the investigating agency. The applicant is

on interim protection since 17/12/2019, granted by this Court (Coram: Sandeep K. Shinde,J.). The directions were issued to the applicant to hand over his mobile phone to the police authorities.

5. Learned APP, on instructions, stated that the applicant has handed over his mobile phone with the investigating agency. There are no criminal antecedents against him.

6. I have considered these submissions. The applicant is already on interim protection since December 2019. He has co-operated with the investigation. There is some substance in his case that the video clip was forwarded inadvertently. He had immediately apologized for the same. In this view of the matter, interim protection granted to the applicant can be made absolute.

7. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R. No.387 of 2019 registered with Vile Parle Police Station, the Applicant is directed to be released

on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)