

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

938 ANTICIPATORY BAIL APPLICATION NO.662 OF 2022

**BALASAHEB @ DHANANJAY S/O HARIBHAU JADHAV
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Swapnil S. Rathi
APP for Respondent / State : Mr. V.S. Badakh

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CORAM : SARANG V. KOTWAL, J.

Date : JUNE 07, 2022

PER COURT :-

1. The applicant is seeking anticipatory bail in connection with C.R. No.188 of 2022 registered at Pathri Police Station, Dist. Parbhani on 28.04.2022 under Section 153-A of Indian Penal Code.

2. Heard Mr. Swapnil S. Rathi, learned Counsel for the applicant and Mr. V.S. Badakh, learned APP for the Respondent / State.

3. The FIR is lodged by Police Constable Pradip Hirak attached to Pathri Police Station, Parbhani. He has stated in the FIR that he came across a post on social networking site on 28.04.2022 posted by the applicant regarding objection to Iftar party held at Hanuman Temple. According to the first informant that post was likely to cause hatred between people of two religions. On this basis,

the FIR was lodged against the applicant.

4. Learned Counsel for the applicant submitted that the applicant had merely mentioned in the post that they had approached the police with their grievance and that by no stretch of imagination it amounts to an offence. The applicant had indeed approached the police station and had given his complaint on 27.04.2022 and, therefore, it cannot be said that any offence is made out.

5. Learned APP opposed this application and submitted that the post shared by the applicant on social networking was likely to cause hatred between two groups and, therefore, the anticipatory bail should not be granted to the applicant.

6. I have considered the submissions made by the learned Counsel appearing for the respective parties. I have also perused the interim order passed by this Court (**Corum : S.G. Dige, J.**) on 24.05.2022. In that interim order, following observations are made :

“Thereafter, police registered the offence against the applicant. In my view when the complaint was given by the applicant to the police to take action against some persons, he has not specifically used any word regarding any community, caste or religion causing hurt to the sentiments of that religion or caste. He has only mentioned that to take action against the wrong doers or culprits, and on social media he has reiterated same fact. It is significant to note that there is no complaint from any

person of other caste or religion against the said message.
In spite of that police have registered said offence.”

Based on the aforesaid observations, the interim order was granted. I see no reason to take a different view than expressed in the said order. The applicant is entitled to be released on anticipatory bail and hence, the following order is passed.

ORDER

- (i) In the event of arrest of the applicant in connection with C.R. No.188 of 2022 registered at Pathri Police Station, Dist. Parbhani on 28.04.2022, the applicant is directed to be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
- (ii) The applicant shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate with the investigation.
- (iii) The Anticipatory Bail Application is disposed of accordingly.

(SARANG V. KOTWAL, J.)