

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.720 OF 2022

AVINASH BALAJI KHANDRE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Shailendra S. Gangakhedkar
APP for Respondent – State : Ms. V. S. Choudhari
...

CORAM : S. G. MEHARE, J.

DATE : 20-06-2022

PER COURT :-

1. Issue notice to the respondent / State. The learned APP waives service of notice for the respondent / State.
2. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent / State.
3. The learned APP would point out that the applicant is on anticipatory bail, however, he did not follow the conditions imposed by the learned Sessions Judge. His interim bail was not considered. In the order of interim protection, he was directed to furnish his cell phone handset, laptop, etc., which was alleged to be used for the alleged offence. The applicant is not prompt enough to follow the directions of the Court, therefore, he is disentitled to claim the discretionary relief.

4. Per contra, the learned counsel for the applicant would submit that the learned counsel appearing before the trial court had not informed the applicant about conditions to provide articles i.e. cell phone handset, laptop and other articles. It is not his deliberate act. Learned counsel for the applicant would further submit that one Aniket Zagde has taken his mobile hand set and Kiran Jadhav sent obscene messages without his knowledge. Not only this, after sending the messages, they had deleted it. Hence, he could not retrieve it from his phone. He has no concern with the alleged procedure. However, due to misuse of his phone, he has to face show cause of the college. He was not allowed to attend the online classes. His educational life will be spoiled. He is ready to furnish all the electronic gazettes like laptop, cell phone handset and other relevant materials, if any, before the Police and even he is ready to attend before the investigation officer daily.

5. Perusal of the first information report (FIR) reveals that the allegations have been made that an obscene messages and abusing words messages were sent to all the students and the staff of the college. The applicant has specifically stated that his mobile handset was misused. The applicant is ready to produce gazette allegedly used in the crime. The applicant is the college going boy and he has been deprived of his classes and specific

abuses and obscene messages are not mentioned in FIR. Considering the age of the applicant and his role in the alleged incident, this court is of the view that the applicant should be released on anticipatory bail on conditions.

6. Hence, the following order -

- i) Application is allowed.
- ii) In the event of arrest, applicant Avinash Balaji Khandre be released on bail, on executing PB and SB of Rs. 20,000/- with one solvent surety of like amount, in connection with C. R. No. 0280 of 2022, registered with Nanded Rural Police Station, District Nanded, for the offence punishable under Sections 294, 504 read with with Section 34 of the Indian Penal Code read with Sections 66 (C) and 67 of the Information Technology Act, on the conditions that, he shall produce mobile phone or laptop, or any other gazettes which allegedly used in the crime by 23.06.2022 and shall attend the police station on each Monday and Friday between 11.00 a.m. and 01.00 p.m. till the end of second week of month of July – 2022.
- ii) *Hamdust* allowed.

(S. G. MEHARE)
JUDGE