

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

ANTICIPATORY BAIL APPLICATION NO. 1086 OF 2022

Hitesh Bhuralal Jain

..Applicant

v/s.

The State of Maharashtra .

..Respondents

Mr.Subodh Desai a/w. Rishikesh Desai & Raveena Yadav i/b. Raveena Yadav for the Applicant.

Mr. M.G.Patil, APP for the State.

**CORAM : ANUJA PRABHUDESSAI,J.
DATED : 21st APRIL, 2022.**

P.C.

1. This is an application under Section 438 Cr.P.C. for pre-arrest bail in C.R.No.201 of 2022 registered with Oshiwara Police Station for offences under Section 509 of Indian Penal Code and Section 67A of the Information Technology Act,2000.

2. Heard Mr. Desai, learned Counsel for the Applicant and Mr. Patil, learned APP for the State. I have perused the records and considered the submissions advanced by the learned Counsel for the respective parties .

3. The aforesaid crime was registered pursuant to the FIR lodged by one Surekha Suresh Narkhede. The case of the prosecution is that the Applicant herein prepared a video wherein he had made some defamatory statement against M/s. Parekh Corporation Real Estate, a partnership firm, wherein he had alleged that the said company prepares forged and fabricated documents and cheats people. He had shown the

photographs of the Complainant, her son and the partners of the said partnership firm Parekh Corporation, and had stated that the Complainant was having illicit relationship with one of the partners of the said firm.

4. The FIR does not prima facie indicate that the Applicant had published or transmitted or caused to be published any material which contains sexually explicit act or conduct, which is an essential ingredient of Section 67A of the Information Technology Act. The alleged act would prima facie constitute offence under Section 67 of the Information Technology Act, which is punishable with imprisonment of 5 years. Considering the nature of the accusation, in my considered view, this is not a case which warrants custodial interference.

5. Under the circumstances the Applicant is granted bail on the following terms and conditions:-

(i) In the event of arrest of the Applicant in C.R.No.201 of 2022 registered with Oshiwara Police Station, the Applicant be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twentyfive Thousand Only) with one or two solvent sureties in the like amount, to the satisfaction of the Investigation Officer.

(ii) The Applicant shall report to the Investigating Officer for two days on 25th and 26th April, 2022 from 11.00 a.m. to 2.00 p.m., and as and when required by the Investigating Officer for the purpose of investigation and interrogation.

- (iii) The Applicant shall provide his permanent as well as temporary address, if any, and his contact details to the Investigating Officer.
- (iv) The Applicant shall not change his residential address without prior intimation to the Investigation Officer.
- (v) The Applicant shall not interfere with the complainant and the other witnesses in any manner.

PRASANNA P
SALGAONKAR

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by PRASANNA
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SALGAONKAR
Date:
2022.04.22
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(ANUJA PRABHUDESSAI, J.)