

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

CRIMINAL APPLICATION (BA) NO. 240 OF 2022

Dhanraj @ Betab Babaji Saroj and anr...Versus.... State of Maharashtra

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

Court's or Judge's orders

Mr. J.S.Chilotra, Advocate for the applicants.
Mr. A.R.Chutke, APP for Respondent /State

CORAM : AVINASH G. GHAROTE, J.

DATE : 09/03/2022

Heard Mr. Chilotra, learned counsel for the applicants and Mr. Chutke, learned APP for respondent/State.

2] The applicants are arraigned for the offence punishable under Sections 294, 114, 188 read with Section 34 of the IPC, Sections 131A, 110, 112, 117 of the Maharashtra Police Act and Section 67-A of the Information Technology Act, 2000, all of which are bailable. However, Section 67-A of the I.T. Act, has later on been added, which is a non-bailable offence.

3] Mr. Chilotra, learned counsel for the applicants submits that considering the role attributed to the present applicants, which was merely of performing the dance sequence on the stage, Section 67-A of the I.T. Act, would not be attracted and therefore, the applicants would be entitled

to bail.

4] Mr. Chutke, learned APP for the respondent/State, opposes the application and submits that the provisions of Section 67-A of the I.T. Act are attracted.

5] A perusal of the case diary, would indicate that what is alleged against the applicants, is merely performing a dance sequence on the stage and not of transmitting material containing sexually explicit act in electronic form. That being the position, Section 67-A of the I.T. Act *prima facie* would not be attracted, considering which the applicants would be entitled to bail. Hence, the following order.

ORDER

- i. The Criminal Application is allowed.
- ii. Applicant No. 1 – Dhanraj @ Betab Babaji Saroj and Applicant No. 2 – Prabuddha @ Alex Gaurishankar Bagde, be released on bail in Crime No. 33/2022, registered at Police Station Umred, District Nagpur, for the offence punishable under Sections 294, 114, 188 read with Section 34 of the IPC, Sections 131A, 110, 112, 117 of the Maharashtra Police Act and Section 67-A of the Information Technology Act, 2000, on their furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) each with one solvent surety of the like amount, each.

- iii. The applicants shall not tamper with the evidence of the prosecution witnesses in any manner or try to influence them directly or indirectly.
 - iv] The applicants shall assist the prosecution, as the investigation is going on and shall remain present as and when called by the Investigating Office.
- 6] Pending application/s, if any, shall stand disposed of accordingly.

JUDGE

Rvjalit