

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

Criminal Application (ABA) No.163 of 2022

Vikas s/o Jayram Fhatak,

Versus

State of Maharashtra, through P.S.O., Police Station Ajni, Nagpur

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

Court's or Judge's Order

Shri A.M. Sharma, Advocate for applicant

Ms S.S. Jachak, A.P.P. for non-applicant /State

CORAM : ANIL S. KILOR, J.

DATED : 17 MARCH 2022

The applicant is seeking pre-arrest bail in Crime No.57 of 2022 registered with Police Station Ajni, Nagpur for the offences punishable under Sections 143, 147, 149, 188, 269 and 270 of the Indian Penal Code read with Section 51(b) of the Disaster Management Rules, 2005 read with Section 135 of the Maharashtra Police Rules, 1951 read with Section 3(2)(e) of the Prevention of Damage to Public Properties Act, 1984.

2. It is the case of the prosecution that the applicant has posted inflammatory messages on Hindustanibhausarkar Instagram that the off-line board

exams of 10th and 12th Standards shall be canceled and on-line examinations shall be taken. It is alleged that for this purpose, he formed unlawful assembly and without taking any prior permission and without following the norms of Covid-19 Pandemic, started giving slogans at public place. Thereupon, the aforesaid crime was registered.

3. The learned Counsel of the applicant submits that on the similar set of facts, a crime was registered as Crime No.51 of 2022 with Dharavi Police Station, Mumbai for the offences punishable under Sections 353, 332, 427, 109, 114, 143, 145, 146, 149, 188, 269, 270 of the Indian Penal Code, Section 51(b) of the Disaster Management Act, 2005 read with Sections 37(3), 135 of the Maharashtra Police Act, Section 3 of the Prevention of Damage to Public Property Act, 1984 and Section 3 and 5 of the Criminal Law Amendment Act. It is submitted that he was arrested in the said offence and was released by the City Sessions Court, Mumbai vide order dated 17/02/2022. It is further submitted that the mobile phone of the applicant was also seized by the Mumbai Police. He, therefore, submits that the custody of the applicant is not necessary and therefore, he prays for pre-arrest bail.

4. The learned A.P.P. strongly opposed the application and submits that the custody of the applicant is necessary for further investigation.

5. I have perused the case diary and also contents of the First Information Report.

6. The applicant was arrested in a crime registered on a complaint, containing similar set of facts, by the Dharavi Police Station and he was arrested and on 17/02/2022 he was released on regular bail. His mobile phone was also seized by Dharavi Police and as such, nothing remains to be recovered from the applicant. Accordingly, I passed the following order:

- i) The Criminal Application is allowed.
- ii) In the event of arrest of the applicant in Crime No. 57 of 2022 registered with Police Station Ajni, Nagpur for the offences punishable under Sections 143, 147, 149, 188, 269 and 270 of the Indian Penal Code read with Section 51(b) of the Disaster Management Rules, 2005 read with Section 135 of the Maharashtra Police Rules, 1951 read with Section 3(2)(e) of the Prevention of Damage to Public Properties Act, 1984, the applicant be released on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

- iii) The applicant shall attend the concerned police station as and when his presence is required.

The Criminal Application stands **disposed of** accordingly.

[ANIL S. KILOR, J.]

R.S.Sahare