

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

CRIMINAL APPLICATION (BA) NO. 252/2022
(Chandrasekhar Prabhu Mandhare & ors. Vs. State of Maharashtra)

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

Court's or Judge's Order

Mr. J. Chiltora, Advocate for applicants.
Mr. A. Chutke, APP for non-applicant/State.

CORAM :- AVINASH G. GHAROTE, J.

DATED :- 23.03.2022

Heard Mr. Chiltora, learned counsel for the applicant and Mr. Chutke, learned APP for the non-applicant/State.

2. The applicants are arraigned for the offence punishable under Sections 294, 114, 188, read with Section 34 of the Indian Penal Code, Sections 131(A), 110, 112, 117 of the Maharashtra Police Act and Section 67(a) of the Information Technology Act, 2000 (hereinafter to be referred as the "I.T. Act"), 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 applicant submits, that considering the role attributed to the present applicants, which was of organization the programme 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 non-applicant/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 applicant is of organization the programme of performing the dance sequence on 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) Applicants Chandrasekhar Prabhu Mandhare, Suraj Nilkanth Nagpure and Anil Shalikram Damke be released on bail in Crime No. 33/2022 registered at Police Station Umred, Dist. Nagpur for the offence punishable under Sections 294, 114, 188 r/w Section 34 of the Indian Penal Code, Sections 131(A), 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/- each with one solvent surety of the like amount.

(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 investigating is going on and shall remain present as and when called by the Investigating Officer.

6. Pending application/s, if any, shall stand disposed of accordingly.

(AVINASH G. GHAROTE, J)