

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.1538 OF 2022

Pathan Anwar Khan Dilwar Khan

.... Applicant

Versus

The State of Maharashtra
and another

.... Respondents

.....
Mr. G.R. Syed, Advocate for the Applicant
Mr. A.V. Deshmukh, APP for Respondents – State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 13th JANUARY, 2023

ORDER :

1. The applicant apprehends his arrest in connection with Crime No.411 of 2022, registered with Sailu Police Station, District Parbhani for offences punishable under sections 153-A, 294-A read with 34 of the Indian Penal Code.

2. FIR is lodged by Subhash Bhalerao alleging that he came across one audio clip, in which the present applicant has said something, that hurt emotions of people of his community.

3. Heard learned advocate for the applicant/s and learned Additional Public Prosecutor for the State. Perused the papers of the investigation.

4. As per the allegations made in the FIR, the applicant has made audio clip viral on his Instagram account, which promotes enmity between two communities. The applicant was granted interim protection and he has surrendered his cell phone and his voice sample is also taken by the Investigating Officer.

5. Considering the allegations made in the FIR, nothing is to be recovered from the applicant, pre-trial custodial detention of the applicant is not necessary in the facts of the present case

6. The application is, therefore, allowed by confirming the interim protection.

7. Till filing of the charge sheet, the applicant shall attend the concerned police station as and when called by the investigating officer and co-operate in the investigation. The applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI]
JUDGE

S.P. Rane