

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

ANTICIPATORY BAIL APPLICATION NO.366 OF 2023

Master Taufiq Najeer Khan ..Applicant
VS.
The State of Maharashtra ..Respondent

Ms. Priyanka Dable, for the Applicant.
Ms. A. A. Takalkar, APP for the State.
API-Prabodhan Yejare, Nerul Police Station present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 16, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP.
- 2.** This is an application for pre-arrest bail. The applicant is apprehending arrest in connection with C.R. No.506 of 2022 dated 23/12/2022 registered with Nerul Police Station for offence punishable under sections 354, 354-C of the Indian Penal Code, 1860 and sections 12 of the Protection of Children from Sexual Offences Act, 2012 and sections 67(A) and 67(B) of the Information Technology Act, 2000.

3. The applicant was protected by an interim order dated 07/02/2023 passed by this Court. Relevant portion of the said order reads thus:

"2. This is an application for pre-arrest bail in respect of the offence punishable under Sections 354, 354-C of the Indian Penal Code, 1860, under Section 12 of Protection of Children from Sexual Offences Act, 2012 (hereafter "POCSO Act", for short) and under Section 67(A) and 67(B) of the Information Technology Act, 2000 in connection with C.R. No.506 of 2022 dated 23/12/2022 registered with Nerul Police Station, Navi Mumbai.

3. I have gone through the FIR dated 23/12/2022. The victim as on date of filing of the FIR was 17 years and 9 months of age. The applicant is 18 years of age. The victim and the applicant were knowing each other. The victim had visited the house of the applicant. It is alleged that certain inappropriate pictures were uploaded on the social media by an unknown person.

4. Learned APP on instructions submitted that the said pictures have been uploaded by close friend of the applicant. The investigation is in progress.

5. Having regard to the nature of the accusations, let the applicant join the investigation. The custodial interrogation of the applicant is required or not will be taken into consideration on the next date. The applicant to report to the Investigating Officer on 11/02/2023, 12/02/2023 and 13/02/2023 between 11.00 a.m. and 2.00 p.m. The applicant to handover the mobile phone to the Investigating Officer and co-operate with the investigation."

4. The applicant has joined the investigation. It is submitted by learned APP that the investigation reveals

complicity of the co-accused in uploading inappropriate pictures of the applicant and the victim on the social media. The pictures/video was on the mobile phone of the complainant. Even the complainant has stated that an unknown person has hacked her G-mail account from where the said clip has been removed for uploading. The allegation of hacking the gmail account of the victim is not against the present applicant. The applicant and the complainant were known to each other and were in a relationship. The applicant is co-operating with the investigation. The investigation is proceeding so far as other co-accused is concerned. Considering the nature of the accusations and as the applicant is co-operating with the investigation, as custodial interrogation of the applicant is not required, the applicant can be granted anticipatory bail. Hence, the following order.

ORDER

- (a) The application is allowed.
- (b) In the event of arrest of the applicant in connection with C.R. 506 of 2022 dated 23/12/2022 registered with Nerul Police Station,

the applicant - Master Taufiq Najeer Khan be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and should not tamper with evidence;

(d) The applicant shall attend the investigating officer as and when called for.

(e) The applicant to hand over mobile phone to the investigating officer and co-operate with the investigation.

4. The anticipatory bail application is disposed of.

(M. S. KARNIK, J.)