

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

CRIMINAL APPEAL NO. 1145 OF 2023

Amrut Harishchandra Patil

...Appellant

vs.

The State of Maharashtra and Anr.

...Respondents

Mr.Aamir Shaikh – Advocate for Appellant.

Mr.S.R.Agarkar – APP for Respondent No.1 – State.

None for Respondent No.2.

Mr.Pravin M. Ughade – PSI – Hill Line Police Station.

CORAM : S. M. MODAK, J.

DATE : 1st DECEMBER 2023

P. C. :-

1. Heard learned Advocate for the Appellant. Respondent No.2 is the First-Informant. He was duly served and that is why, his learned Advocate has appeared on 2nd November, 2023. However, subsequently on 9th November, 2023, no one has appeared on behalf of Respondent No.2.

2. On 10th November, 2023, he has raised a grievance about non supply of copy. An assurance was given to him. Learned Advocate for the Appellant has supplied him copy and is having acknowledgment.

3. Today, no one is present. Application is pending since September-2023. The FIR is lodged by the First-Informant on 24th April, 2023 with Hill Line Police Station on the basis of

whats-app status shown by this Appellant on his mobile. Certain objectionable and disparaging remarks are made against the framer of the Constitution. Witness Sudarshan Gaikwad took its screenshot and circulated amongst the members. That is why, an offence under Sections 295-A, 505 of Indian Penal Code, 1860 ("IPC") and under Section 3(1)(v) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("SC & ST Act") came to be registered.

4. No one can dispute that those remarks are highly objectionable and cannot be supported by any person. It is for two reasons. There are allegations imputing about the character and secondly, they are against the framers of the Constitution. At the same time, it is true that the Appellant is behind bar since 25th April, 2023 and charge-sheet is already filed. One does not know when the trial will proceed. The contention is raised that this whats-app status was uploaded behind his back cannot be considered at this stage. I am inclined to grant him bail. The trial Court has considered only the allegations but not considered the completion of investigation and the pendency before the Sessions Court at Kalyan. On one hand, if you are refusing bail on the other hand, you must proceed with the trial. It is uncertain.

5. Right to '*speedy trial*' is a right guaranteed by the

Constitution. Hence, following order :-

O R D E R

- (i) Appeal is allowed.
 - (ii) Order dated 8th September, 2023 passed by the Court of Additional Sessions Judge - Kalyan is set aside.
 - (iii) Applicant Amrut Harishchandra Patil be released on bail in connection with C.R. No. 156 of 2023 registered with Hill Line Police Station - Thane on furnishing personal bond and surety bond of Rs.25,000/-.
 - (iii) Applicant not to threaten the Prosecution witnesses or to allure them in any manner.
 - (iv) Applicant to attend the trial Court punctually.
 - (v) Observations are *prima facie*.
6. In view of the above, Appeal is disposed of.

[S. M. MODAK, J.]