

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

ANTICIPATORY BAIL APPLICATION NO. 59 OF 2024

Sahil Mohammad Shaikh	..Applicant
Versus	
The State of Maharashtra	..Respondent

Dr. Uday P. Warunjikar i/b. Sonali R. Chavan i/b. Ujma A. Pathan
for Applicant.

Ms. Pallavi N. Dabholkar, APP for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 11 JANUARY 2024**

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.645 of 2023, registered at Manchar Police Station, Pune rural, on 04.11.2023, under sections 505(2) of the Indian Penal Code.

2. Heard Dr. Uday Warunjikar, learned counsel for the applicant and Ms. Pallavi Dabholkar, learned APP for the State.

3. A complete copy of the F.I.R. is not annexed, however, the learned APP produced the investigation papers before me. The

F.I.R. is included in those papers. The F.I.R. is lodged by police constable Dalvi attached to Manchar police station. In the F.I.R. he has stated that, they received an information that one Arbaaz and the present applicant had shared an objectionable post on their Instagram I.D. -arbaaz-08. The story which was posted on that page had a video clip. The said post tended to create rift between the two religious group. On this basis the F.I.R. is lodged.

4. Learned counsel for the applicant submitted that, he has not posted any such story on his Instagram page. The F.I.R. itself mentions that the story was posted on Arbaaz's page. The applicant is needlessly shown as an accused. The investigation papers show that the story was created by one Noman Jamadar who is also an accused and in that story some others were mentioned. Though, the statement of the accused is not admissible, during investigation the accused Arbaaz's statement was recorded which mentions that the applicant had told him that Arbaaz had posted a wrong story and it should be deleted. Even otherwise, the F.I.R. itself mentions that the story was posted on the Arbaaz's page and not on the page of the present applicant.

5. Learned APP, on instructions and also from the investigation papers could not point out the involvement of the present applicant. She could not point out that the applicant himself had shared that particular objectionable post on his page.

6. Learned counsel for the applicant submitted that, he is only 21 years of age and on the basis of this vague allegation and weak circumstance, his liberty need not be curtailed. He deserves protection U/s.438 of the Cr.PC.

7. Considering these submissions and the investigation carried out so far, I find substance in the submissions of learned counsel for the applicant. At this stage, the investigating agency does not have any definite incriminating material against the present applicant. Therefore, considering his young age, his custodial interrogation will not be justified. It would be sufficient if the applicant co-operates with the investigation.

8. Hence, the following order :

ORDER

- i) In the event of his arrest in connection with C.R.No.645 of 2023, registered at Manchar Police Station, Pune rural, the applicant is directed to be released on bail on his executing P. R. bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.
- ii) The Applicant shall attend the concerned Police Station on 23/01/2024 and 24/01/2024 between 1.00 p.m. to 4.00 p.m. and thereafter as and when called and shall cooperate with the investigation.
- iii) The Application is disposed of.

(SARANG V. KOTWAL, J.)