

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

BAIL APPLICATION NO. 1594 OF 2023

SANTOSH
SUBHASH
KULKARNI

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Ravinder Kashmeer Singh ...Applicant
Versus
State of Maharashtra ...Respondent

Mr. Anand Upadhyay, a/w Hemang Upadhyay and Rali
Singh, for the Petitioner.
Mr. S. R. Aagarkar, APP for the State/Respondent.
PSI Ranjan Pawar, L. T. Marg Police Station, Mumbai
present.

CORAM: N. J. JAMADAR, J.
DATED: 17th JANUARY, 2024

ORDER:-

1. Heard the learned Counsel for the parties.
2. This application for bail is preferred in CR No.906 of 2022 registered with LTT Marg Police Station, Mumbai, for the offences punishable under Sections 354, 385, 506 and 509 read with Section 34 of the Indian Penal Code, 1860 ("the Penal Code") and Sections 66C, 66D, 67 and 67A of the Information Technology Act, 2000.
3. The indictment against the applicant is that the applicant and absconding accused Parvez Khan, Jahid Khan and Sahil Khan had hacked mobile of the first informant and sent a message alongwith a link to deposit the amount by

way of repayment of the loan and, in the event of default, threatened to make the obscene photograph of the first informant viral. The applicant and co-accused had allegedly sent morphed images of the first informant to her friends and relatives. Likewise, a message was sent to witness "G" that if the money was not sent as demanded, the photos of her daughter would be made viral on the adult websites.

4. The learned Counsel for the applicant submitted that the investigation has not revealed any nexus between the mobile phone numbers from which the messages were allegedly sent to the first informant and witness "G". The applicant has been in custody since 26th November, 2022. The only incriminating material against the applicant is the credit of a small amount in the account of the applicant through mobile phone No.7699396692.

5. The learned APP countered the submissions on behalf of the applicant. It was urged that the credit of the amount to the account of the applicant through the aforesaid mobile number formally establishes the complicity of the applicant in the alleged offences. Moreover, since the applicant is resident of Rajasthan, if he is released on bail, the presence of the applicant cannot be secured for trial.

6. I have perused the report under Section 173 of the Code of Criminal Procedure, 1973 ("the Code") and the documents annexed with it. The offence under Section 385, which is the major offence, entails punishment which may extend to five years. The applicant has been in custody since 26th November, 2022. The applicability of the provisions contained in Section 67A of the Information Technology Act appears to be a matter for trial.

7. In the circumstances of the case, it may be expedient to release the applicant on bail on stringent conditions.

8. Hence the following order:

: O R D E R :

- (i) Application stands allowed.
- (ii) The applicant Ravinder Kashmeer Singh be released on bail in CR No.906 of 2022 registered with LTT Marg Police Station, Mumbai, on furnishing a P.R. Bond of Rs. 30,000/- with one or more sureties in the like amount to the satisfaction of the learned Magistrate.
- (iii) The applicant shall mark his presence at the concerned police station on the first Monday of every alternate month in between 10.00 am. to 12.00 noon for the period of three years or till conclusion of the

trial, whichever is earlier.

- (iv) The applicant shall not tamper with the prosecution evidence. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any police officer.
- (v) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.
- (vi) The applicant shall regularly attend the proceedings before the jurisdictional Court.
- (vii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail and they may not be construed as an expression of opinion on the guilt or otherwise of the applicant and the trial Court shall not be influenced by any of the observations made hereinabove.

Application stands disposed.

[N. J. JAMADAR, J.]