

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

ANTICIPATORY BAIL APPLICATION NO.1135 OF 2024

Rajan Vasu Nair Applicant

versus

The State of Maharashtra Respondent

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- Mr. Ghanshyam Upadhyay (appeared through VC) i/b. Law Juris, Advocate for Applicant.
- Ms. Poonam P. Bhosale, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 25th APRIL, 2024

P.C. :

1. The Applicant is seeking anticipatory bail in connection with C.R.No.237/2024, dated 16/04/2024, registered with Navghar Police Station, Mira-Bhayander Vasai-Virar, under sections 43, 66 of the Information Technology Act and under sections 120-B, 500, 506 of the Indian Penal Code.

2. Heard Mr. Ghanshyam Upadhyay, learned counsel for the Applicant and Ms. Poonam P. Bhosale, learned APP for the State.

3. Mr. Upadhyay states that the Applicant's Anticipatory Bail Application before the Court of Session at Thane is pending vide Bail Application No.710 of 2024 but his prayer for ad-interim order is rejected.

4. The FIR is lodged by the victim. She has stated that she was a social worker. On 18/03/2024, the Applicant who was an advisor of her social organization called her to the office of a local MLA. She went there. It is alleged that, on some pretext, the Applicant took her mobile phone and gave it to his associate. He told her that the latest software in respect of the election was to be uploaded in that phone. After some time, the Applicant's associate brought back the mobile phone and told her that the software was not getting installed. She checked the mobile phone and found that somebody had logged in her WhatsApp application. On 13/04/2024, she received a letter. It was mentioned in that letter that she should stop her political work. There was a threat that her cropped photographs would be made viral on social platform. The informant was certain that

when the mobile phone was handed over to the Applicant's associate, they had tampered it and the letter was the result of that.

5. Learned counsel for the Applicant submitted that the Applicant is implicated on false allegations because of the local political rivalry. More importantly, all the offences mentioned in the FIR are bailable offences. Even section 354-A was also a bailable offence. Therefore, even though all these offences are bailable, the police officer want to arrest him and therefore he needs protection u/s 438 of Cr.PC.
6. Learned APP submitted that the office boy of the Applicant was arrested and his statement is recorded in which he has stated that the letter was sent at the behest of the present Applicant.
7. Learned counsel for the Applicant had approached the Court of Session, Thane, u/s 438 of Cr.PC. vide Bail Application No.710 of 2024. The next date is kept on 06/05/2024. The ad-interim was rejected. Therefore, he has approached this Court.

8. I have considered these submissions. As rightly submitted by the learned counsel for the Applicant, all the sections applied in this FIR are bailable offences. Therefore, the Applicant can be released on bail if he shows willingness to furnish bail. Therefore, there is no question of denying interim protection to the Applicant.
9. Considering this situation, the Applicant can be protected till the said application before the Court of Session at Thane, is decided.
10. Hence, the following order :

ORDER

- (i) In the event of his arrest in connection with C.R.No.237/2024, dated 16/04/2024, registered with Navghar Police Station, Mira-Bhayander Vasai-Virar, till the Bail Application No.710 of 2014 is decided by the Additional Sessions Judge, Thane, the Applicant is directed to be

released on bail on his furnishing PR bond in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) with one or two sureties in the like amount.

- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)