



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1250 OF 2024**

Rafique Daud Kamdar	...	Applicant
versus		
The State of Maharashtra	...	Respondent

Mr. Shantanu Phanse (through VC) i/by Ilsa Shaikh, for Applicant.
Mrs. Supriya Kak, APP for State.
API Parshuram Londhe, Mumbai Police Station present.

CORAM: N.J.JAMADAR, J.

DATE : 10 MAY 2024

P.C.

1. Heard the learned Counsel for the parties.
2. This is an application for pre-arrest bail in connection with C.R.No.1185 of 2023 registered with Mumbra Police Station for the offences punishable under Sections 500 and 505(2) read with Section 34 of the Indian Penal Code.
3. The first informant lodged a report with the allegation that on 6 November 2022, the applicant who runs news channel 'Hindustani Reporter' on YouTube published a news item that on 3 November 2023 at about 8.00 p.m., the first informant had burnt Quran with a view to defame the first informant and also promote and spread enmity amongst the communities.
4. Learned Counsel for the Applicant submitted that the applicant had received the information about the said occurrence and reported the same at his news channel without any malicious intention to incite hatred amongst the members of the

community.

5. Learned APP submitted that though the offence punishable under Section 505(2) of the Penal Code entails punishment which may extend to three years or fine or both, yet the conduct of the applicant has the propensity to promote enmity between the communities and thereby endanger the law and order and public tranquility. Thus, to ascertain the genuineness of the news disseminated by the applicant, the custodial interrogation of the applicant is warranted.

6. I have perused the allegations in the FIR. The news item was on public domain. The offence entails punishment which may extend to three years or fine. To facilitate the investigation, the custodial interrogation of the applicant is not warranted. The applicant can be directed to join in the investigation and cooperate with the investigating agency. I am, therefore, inclined to allow the application.

7. Hence, the following order :

ORDER

(i) In the event of arrest of the Applicant – Rafique Daud Kamdar in connection with C.R.No.1185 of 2023 registered with Mumbra Police Station, Pune, the Applicant be released on bail on furnishing a PR bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

(ii) The Applicant shall co-operate with the investigation and report to Mumbra Police Station on 17th, 18th and 19th May 2024 in between 10.00 a.m. to 1.00

p.m., and, thereafter, as and when directed, till the filing of the chargesheet.

(iii) The Applicant shall not tamper with the prosecution evidence and/or give threat or inducement to the first informant or any of the prosecution witnesses or any of the persons acquainted with the facts of the case.

(iv) The Applicant shall regularly attend the proceedings before the jurisdictional Court.

(v) The application stands disposed.

(N.J.JAMADAR, J.)