

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 760 OF 2024

Vaibhav Santosh Bhosale

... Appellant

Versus

State of Maharashtra and Ors.

... Respondents

Mr. Raoul Sawant i/b Mr. Prabhakar M. Jadhav for the Appellant.

Ms. Rashmi S. Tendulkar, APP for Respondent No.1 – State.

Mr. Ankur Pahade, for Respondent No.2.

Mr. S. V. Devkate, PC, Kamti Police Station, Solapur is present.

CORAM : SANDEEP V. MARNE, J.

DATE : 20 AUGUST 2024.

P.C. :

1) This Appeal is filed under provisions of 14-A of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**), challenging the Order dated 6 July 2024 passed by Additional Sessions Judge, Solapur rejecting the application for bail filed by the Appellant in connection with Crime Register No. 201 of 2024 registered with Kamti Police Station, District Solapur for offences punishable under Sections 295(A), 505(2), 507 of Indian Penal Code, 1860 and Sections 3(1)(r)(s), 3(2)(va) and 3(1)(u) of the SC & SC Act.

2) I have heard Mr. Sawant, the learned counsel appearing for Appellant, Ms. Tendulkar, learned APP for Respondent No.1-State and Mr. Pahade the learned counsel appointed by Court from Panel of Legal Aid to represent Respondent No.2.

3) After having considered the submissions canvassed by the learned counsel appearing for parties. It is seen that the FIR is lodged on 19 June 2024 and the statement of the Complainant does *prima facie* indicate serious atrocities on the part of the Appellant not only against the Complainant but against the entire community as such. At the same time, it is also a matter of fact that the Appellant has been arrested on 22 June 2024 and has been in custody for almost two months. The learned APP has submitted that the investigation has still incomplete. However, it appears that the mobile phone of the Appellant has already been seized. Mr. Sawant has clarified that the concerned social media account on which the messages alleged in the FIR are broadcasted was operated from the mobile phone of the Appellant, which is already in possession of the investigating officer. He would submit that the Appellant has cooperated with the police for investigation into crime and his further custodial interrogation is not necessary, even though the police have failed to file chargesheet.

4) The nature of allegation levelled against Appellant are essentially about spreading messages on the social media. Since the Appellant is in custody from 22 June 2024, Appellant's mobile phone has already been recovered and the police is in position to access the social media account of the Appellant. In my view, therefore, it is not necessary to detain the Appellant in custody any longer. It is also sought to be contended on behalf

of Appellant that he desires to appear in the examination of the Maharashtra Public Service Commission which is scheduled on 25 August 2024. This is yet another reason why Appellant deserves to be released on bail. In my view, therefore, it is not necessary to detain the Appellant in custody any further.

5) The Criminal Appeal accordingly succeeds and I proceed to pass the following order:

(a) The Order dated 6 July 2024 passed by the Additional Sessions Judge, Solapur, is set aside.

(b) The Appellant who is arrested in connection with C.R. No. 201 of 2024 registered with Kamti Police Station, District Solapur for offences punishable under Sections 295(A), 505(2), 507 of Indian Penal Code, 1860 and Sections 3(1)(r)(s), 3(2)(va) and 3(1)(u) of the SC & SC Act shall be released on bail on furnishing PR bonds in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(c) The Appellant shall not use any social media account for spreading any derogatory messages during pendency of the special case.

(d) Appellant shall furnish identity and address proof of himself and of his two blood relatives while furnishing sureties.

(e) Appellant shall attend Trial Court regularly unless exempted from personal appearance.

(f) Appellant shall not pressurize the informant or any other witnesses acquainted with the facts of the case nor shall tamper with the evidence either directly or indirectly.

(g) The Appellant shall inform his latest place of residence and mobile contact number immediately after being released and/or change of residence or mobile details, if any, from time to time to the Trial Court as well as to the concerned Police Station in writing.

(h) The Appellant shall cooperate with the completion of investigations by remaining present before the investigating officer as and when summoned.

6) With the above direction, the Appeal is allowed and disposed of.

7) All concerned to act on authenticated copy of the order.

[SANDEEP V. MARNE, J.]