



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION 245 OF 2025

Shubham S/o. Dattatraya Potdar,
Age : 29 years, Occu. : Business,
Kakade Plot, Dharashiv,
Tq. & Dist. Dharashiv.

... Applicant.

Versus

The State of Maharashtra,
Through Police Station In-charge,
Dharashiv City Police Station,
Tq. & Dist. Dharashiv.

... Respondent

.....
Mr. Abhijit S. More, Advocate for Applicant.
Mr. P. K. Lakhotiya, APP for Respondent – State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 24th MARCH, 2025

PRONOUNCED ON : 25th MARCH, 2025

ORDER :

1. This is an application for grant of regular bail on account of arrest of applicant in Crime No. 0486 of 2024 registered at Dharashiv City Police Station, District Dharashiv for offence punishable under sections 75(4), 77, 78(1) and 78(2) Bharatiya Nyaya Sanhita and under section 66(C) of the Information and Technology Act.

2. Learned counsel for applicant submitted that, applicant is arrested on 27.11.2024 on allegations of stalking and

harassing informant. That, victim is said to be 21 years of age. That, there are allegations of creation of Instagram account in committing above offence. Now, investigation is already over and charge sheet is also filed. That, no further recovery or discovery is shown to be made yet and as such no purpose would be served by further continued detention as applicant is ready to abide all conditions deemed fit by this court, learned counsel seeks grant of bail.

3. Learned APP opposed on the ground that, applicant has created false Instagram ID and further dispatched SMS to father of the victim. Apart from stalking and harassing, there are threats issued to the father. Learned APP expresses misuse of liberty. For above reasons, learned APP opposing the bail application.

4. Heard. Perused the FIR dated 27.11.2024 at the instance of victim, who is 21 years of age. She has reported that, in February 2020, she got acquainted with present applicant on Instagram account. Acquaintance grew into friendship and they both started meeting to each other. Said Instagram account on which she got to know present applicant was on the mobile of her father and as her family members got to know about it, her phone was said to be taken away. However according to her, applicant

started making calls on the mobile of the victim and started issuing threats when he learnt that her marriage was about to get fixed. He also dispatched messages to her father also. He allegedly created her several Instagram accounts and started posting her photographs over it. Therefore, she lodged above report.

5. In above crime applicant is arrested on 27.11.2024. Charge sheet is filed in January 2025. No further recovery or discovery is shown to be made. There is nothing to indicate about committal of matter, framing of charge or matter going for trial in near future. FIR itself shows previous acquaintance, chatting and even meeting. Informant is 21 years of age. Therefore, apprehension of misuse of liberty can be taken care of by imposing conditions. Hence, the following order is passed :-

ORDER

- I. The application is allowed.
- II. Applicant Shubham S/o. Dattatraya Potdar be released on bail in connection with Crime No. 0486 of 2024 registered with Dharashiv City Police Station, District Dharashiv, on executing Personal Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions:
 - [a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not enter the vicinity where the informant and her family members reside, till conclusion of trial.

[c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[d] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday and maintain personal diary of his attendance till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

(ABHAY S. WAGHWASE, J.)