



{1}

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO.1196 OF 2025

Kishor S/o. Uttam Chavhan

Age: - 38 years, Occu.: Labour,

R/o. At Sarkhani,

Tq. Kinwat, Dist. Nanded.

.... Applicant

Versus

The State of Maharashtra

Through its Investigation Officer,

Sindkhed Police Station,

Tq. Kinwat, Dist. Nanded.

.... Respondents

.....

Ms. Kavita S. Bhale, Advocate for Applicant

Mr. S.B. Narwade, APP for Respondent- State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 18 AUGUST, 2025

PRONOUNCED ON : 19 AUGUST, 2025

PER COURT :-

1. The applicant apprehends his arrest in connection with Crime No.0082 of 2025 registered with Sindkhed Police Station, District Nanded for offences punishable under sections 75(1), 75(2), 75(3), 61(2), 113(1)(b), 356(2), 356(3), 351(2), 351(3), 296, 3(5) of the Bharatiya Nyaya Sanhita (BNS) and under section 67 of the Information and Technology Act.

{2}

2. Learned counsel would submit that the alleged occurrence took place on 30.05.2025; however, the report was lodged on 07.06.2025. Thus, the report is delayed, and the FIR is concocted. Learned counsel further pointed out that, as regards the present applicant, there are no specific allegations or role attributed to him. That, merely because he happens to be the admin of the WhatsApp group, allegations of forwarding obscene and filthy messages have been levelled. In light of the nature of the allegations, no recovery is to be made. That, the applicant is ready to cooperate with the investigating machinery and even hand over the mobile, if so required. For all above reasons, relief of anticipatory bail is urged for.

3. Learned APP opposed the application by taking this Court through the nature of the allegations in the FIR and invited attention to pages 7, 8, and 9, which contain the alleged obscene messages. It is submitted that the applicant has instigated the other accused, and that custodial interrogation is necessary for a thorough investigation. Therefore, learned APP urges for rejection of the application.

4. Heard. Perused the FIR dated 07.06.2025, lodged at the instance of Suryabhan Sidam, the Sarpanch of village Sarkhani. It is reported that the present applicant formed a WhatsApp group to

{3}

solve problems related to the Gram Panchayat of Sarkhani. It is reported that on 30.05.2025, one Gajanan Ramrao Pawar, a resident of Sarkhani, sent a WhatsApp message referring to the wife of a Junior Engineer of MSEB, in which filthy language was also used. The message is also said to have been forwarded seeking sexual favour from the wife of the Junior Engineer. Thus, in the capacity of the Sarpanch, above report has been lodged.

5. Learned APP has placed on record the police papers containing the said WhatsApp exchanges. Learned counsel for the applicant has raised a serious objection to the WhatsApp exchanges on the ground that the year in which the text messages were sent is not clear. *Prima facie*, the text messages indeed refer to Government officials and are filled with obscene and filthy language. Learned APP has also placed on record the antecedents of the present applicant. Six crimes are already registered against him. Investigation is still in progress.

6. Learned counsel for the applicant has made a statement across the bar that the applicant is ready to hand over his mobile phone to the police and is also willing to cooperate with the investigation. The investigation primarily seems to be pertaining to text messages and WhatsApp messages on mobile. In the light of above undertaking

{4}

further investigation can be carried out by securing the presences of the applicant. Hence, I proceed to pass the following order:

ORDER

- (i) Application is allowed.
- (ii) In the event of arrest of applicant in connection with Crime No.0082 of 2025 registered with Sindkhed Police Station, District Nanded for offences punishable under sections 75(1), 75(2), 75(3), 61(2), 113(1)(b), 356(2), 356(3), 351(2), 351(3), 296, 3(5) of the Bharatiya Nyaya Sanhita (BNS) and under section 67 of the Information and Technology Act, he shall be released on executing P.B. and S.B. of Rs.15,000/- with one surety in the like amount.
- (iii) The applicant shall attend the concerned Police Station on every Wednesday and Saturday and between 10:00 a.m. to 12:00 Noon, till filing of the charge-sheet.
- (iv) Applicant shall co-operate in the investigation.
- (v) The applicant shall not tamper the prosecution evidence.

**ABHAY S. WAGHWASE,
JUDGE**