



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

36 ANTICIPATORY BAIL APPLICATION NO. 1268 OF 2025

Hussain Shaikh Daud Shaikh

....Applicant

Versus

The State of Maharashtra

.....Respondent

.....
Advocate for Applicant : Dr. Sahebrao G. Nandedkar
APP for Respondent : Mr.N.D.Batule

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 25 AUGUST, 2025

PRONOUNCED ON : 26 AUGUST, 2025

ORDER :

1. This is pre-arrest bail application on account of registration of crime no.0082 of 2025 registered at Sindkhed Police Station, District Nanded, for the offence punishable under Sections 75(1), 75(2), 75(3), 61(2), 113(1)(b), 356(2), 356(3), 351(2), 351(3), 296 read with 3(5) of the Bharatiya Nyaya Sanhita (BNS) and under Section 67 of the Information and Technology Act.
2. Learned counsel for applicant submitted that allegations are of sending WhatsApp messages on a group formed for benefit of village.

That, there are allegations of abusive and obscene texts used against Government Officials, more particularly, MSEB Engineer. Learned counsel submitted that applicant had already deleted the messages and none of his messages were obscene or abusive. Learned counsel submitted that copies of so called messages are placed on record. He pointed out that similarly situated accused has been granted protection by this Court in Anticipatory Bail Application No.1196 of 2025 by order dated 19-08-2025 and hence, on the ground of parity, he too urges for similar relief.

3. Learned APP took strong objection on the ground that obscene and abusive messages are used against not only MSEB Engineer, but also against higher Government Officials. Learned APP submitted that recently Section 113 of the BNS Act is added, which provides for punishment of imprisonment for life. That, applicant has initially despatched messages on group, but subsequently deleted it and precisely investigation of related messages is to be made and for that purpose custodial interrogation is necessary. Lastly, he submitted that since registration of FIR applicant is absconding and hence, for above reasons, learned APP prays to reject the application.

4. Heard. Perused the FIR at the instance of Sarpanch. He has reported that Kishor Uttam Chavhan formed a WhatsApp group for putting up and resolving issues of the village Sarkhani. That, there are allegations that, on 30-05-2025, one Gajanan Ramrao Pawar forwarded obscene and abusive texts addressing and directing the messages with reference to wife of Junior Engineer and MSEB staff. That, there are also allegations of obscene messages addressing Collector, Chief Minister and other politicians further saying that “Arms will have to be taken in hand” and he is thereby instigating others in the village.

5. Learned APP has placed on record Police papers including alleged objectionable WhatsApp messages despatched by various villagers including present applicant. Apparently, messages initially sent by the applicant are shown to be deleted. As regards to another accused namely Kishor Uttam Chavhan is concerned, this Court had granted protection, more particularly in the light of nature of texts forwarded by him and he too be one of the Admins of the group. As stated above, messages forwarded by the applicant are shown to be deleted, though, subsequently. The objectionable and obscene messages seem to be forwarded by one Gajanan Ramrao Pawar. He

is shown to be the main person, who has forwarded several obscene texts on the groups. In the light of above discussion and after going through the papers, as other accused Kishor Uttam Chavhan had granted protection as the messages sent by him are shown to be deleted, present applicant needs to be provided with the same relief. Further investigation can be carried out by securing Mobile of present applicant, which learned counsel for applicant undertakes to submit. Hence, present applicant also succeeds. Accordingly, following order is passed :

ORDER

(i) Application is allowed.

(ii) In the event of arrest of applicant in connection with crime No.0082 of 2025 registered at Sindkhed Police Station, District Nanded, for the offence punishable under Sections 75(1), 75(2), 75(3), 61(2), 113(1)(b), 356(2), 356(3), 351(2), 351(3), 296 read with 3(5) of the Bharatiya Nyaya Sanhita and under Section 67 of the Information and Technology Act, he shall be released on executing PB. 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 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

SPT