

Rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**ANTICIPATORY BAIL APPLICATION NO.2894 of 2025**

|                          |                |
|--------------------------|----------------|
| Upendra Aaddya Singh     | ... Applicant  |
| <b>V/s.</b>              |                |
| The State of Maharashtra | ... Respondent |

Mr.Gaurav Parkar for the Applicant.  
Mr.Sagar Agarkar, APP for the State.  
API Sagar Shingate from Taloja Police Station, present.

**CORAM : AMIT BORKAR, J.**

**DATED : OCTOBER 16, 2025**

**P.C.:**

1. The Applicant has approached this Court seeking protection from arrest in connection with Crime Register No. 202 of 2025, registered with Taloja Police Station. The alleged offences are under Section 67 of the Information Technology Act, 2000, which deals with publishing or transmitting obscene material in electronic form, and under Section 308(2) of the Bharatiya Nyaya Sanhita, which relates to attempt to commit culpable homicide.

2. The learned Advocate appearing for the Applicant has submitted that the entire communication between the Applicant and the informant was initiated by the informant. It is his submission that several phone calls were made by the informant to the Applicant, and the record of such calls would demonstrate that the Applicant was not the one who initiated the contact. It is

further contended that although the Applicant had sent certain photographs to the informant, those photographs cannot be termed as obscene within the meaning of Section 67 of the IT Act.

3. At this stage, before forming any conclusive opinion, the Court must examine whether the conversation or exchange of communication was initiated by the informant or by the Applicant. This aspect assumes importance because if the evidence shows that the informant herself initiated the contact and consented to the exchange, the allegation of transmitting obscene material may lose its criminal character. It is only after examining the content of the communication and the surrounding circumstances that the nature of the offence, if any, can be properly ascertained.

4. The Investigating Officer is therefore directed to verify this aspect during the course of investigation. The call records, electronic data, and any digital communication available should be scrutinized to determine who initiated the interaction and whether the content in question falls within the statutory definition of obscene material under Section 67 of the IT Act.

5. Till the next date, considering that the allegations require such factual verification and that the offence is not of a nature warranting immediate custodial interrogation, it would be appropriate to grant interim protection.

6. Accordingly, in the event of arrest, the Applicant shall be released on bail in connection with Crime Register No. 202 of 2025 registered with Taloja Police Station for the alleged offences under Section 67 of the Information Technology Act, 2000, and

Section 308(2) of the Bharatiya Nyaya Sanhita.

7. The Applicant shall cooperate with the investigation and shall remain present before the Investigating Officer as and when called for.

8. The matter be listed on 4 November 2025 for further consideration upon receipt of the Investigating Officer's report.

**(AMIT BORKAR, J.)**