



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 135 OF 2026

GAJANAN RAMRAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Dr. S. G. Nandedkar
APP for Respondents-State : Mr. A. R. Kale

CORAM : SACHIN S. DESHMUKH, J.

Date : 27th February, 2026

PER COURT :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 07.06.2025 bearing Crime No. 82 of 2025 registered with Sindhkhed Police Station, Dist. Nanded for the offences punishable under Sections 75(1), 75(2), 75(3), 61(1), 61(2), 113(5), 113(1-b), 356(2), 356(3), 351(2), 351(3), 296, 3(5) of the Bharatiya Nyaya Sanhita and Section 67 of the Information and Technology Act.

2. The prosecution case is that on 30.05.2025, the accused used a social media platform to post offensive and abusive messages directed at public officials and their families. These messages included derogatory remarks and demands targeting various individuals, including a Junior Engineer and a Revenue

Officer. It is alleged that the communication was intended to intimidate these officials and disrupt their professional duties through the use of highly inappropriate language. The accused continued this behavior by making aggressive statements regarding high-ranking administration members, including the District Collector and other state officials.

3. The prosecution further alleged that these actions were supported by other individuals on the digital platform, who reportedly validated the harassing content. These secondary actions are being treated as incitement and support for the primary harassment. The case also involves allegations of criminal intimidation and the incitement of violence against local government representatives. The messages purportedly called for illegal actions against officials and included threats of physical harm. Such conduct is viewed as an attempt to create an atmosphere of fear within the local community and to prevent government servants from fulfilling their lawful responsibilities.

4. The learned counsel for the applicant submits that the the applicant is falsely implicated in the offence. The present FIR is a retaliatory measure by local officials to suppress his

whistleblowing against "road corruption" and "MSEB negligence. The entire case rests on screenshots of social media messages. In the absence of a Section 65B Certificate (Evidence Act) and a forensic report, it cannot be proven at this stage that the accused's device was used or that the messages were not morphed or sent from a compromised account. The arrest of the applicant is effected on 08.06.2025 and since then, he is in jail. Further incarceration of the applicant is not warranted. As such, prayed that application may be allowed.

5. The learned APP vehemently opposed the application, submitting that the Accused has explicitly called upon the public to cause harm and also protest against the government officials. It is contended that the applicant's release on bail would create a significant risk of tampering with witnesses. Consequently, the APP prays for the application to be rejected.

6. Considering the submissions from both sides and perusing the record, including the charge-sheet, the entire case of the prosecution is based on electronic records (social media messages). The accused's mobile device has been seized, and the service provider logs are accessible to the Investigating Agency. Since the evidence is digital and frozen in nature, there is no

reasonable apprehension that the accused can tamper with or delete the evidence while on bail.

7. While the language used in the alleged messages is abusive of the public representative / servants, the deprivation of liberty during the trial must not be used as a form of pre-trial punishment. The investigation is complete for all intent and purposes. Resultantly, the chargesheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period.

8. Moreover, the arrest of the applicant is effected on 08.06.2025 and since then, he is in jail. As such, further detention of the applicant as an under trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favor of the applicant.

9. Resultantly, following order is passed :-

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Gajanan Ramrao Pawar be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent

sureties in the like amount, in connection with Crime No. 82 of 2025 registered with Sindhkhed Police Station, Dist. Nanded for the offences punishable under Sections 75(1), 75(2), 75(3), 61(1), 61(2), 113(5), 113(1-b), 356(2), 356(3), 351(2), 351(3), 296, 3(5) of the Bharatiya Nyaya Sanhita and Section 67 of the Information and Technology Act, on the following conditions :-

- (a) The applicant shall attend each and every date of the Trial Court, unless exempted by the Trial Court.
 - (b) The Applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicant, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)