

MHCC050059782023



IN THE COURT OF SESSIONS, AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

ANTICIPATORY BAIL APPLICATION NO.1820 OF 2023

IN

C.R. NO.747/2023
(POLICE STATION, MIDC)

Hemant Satyawar Palav)
Aged 46 years, Occ:Nil)
residing at)
Room No.3, H F Mohd Chawl,)
Kadamwadi Marg, JP Nagar,)
Andheri (E), Mumbai - 400059) **..Applicant**

Versus

The State of Maharashtra)
(At the instance of MIDC Police Station)
vide their C.R. No.747/2023) **..Respondent**

Advocate Mr. Siddhikesh Golsalkar for the applicant.

APP Mr. Sachin Jadhav for the prosecution.

**Coram : His Honour Addl. Sessions Judge,
Ashish Ayachit
(Court Room No.13)**

Date : 8th January, 2024.

ORDER

This is anticipatory bail application under Section 438 of Code of Criminal Procedure (Cr.P.C.) for releasing the applicants on bail in the event of their arrest in Crime No.747/2023 registered with MIDC Police Station for the offences punishable under Sections 506, 153-A of the Indian Penal Code (I.P.C.) and Section 67 of the

Information Technology Act (IT Act)

2. Perused application and say of the Investigating Officer.
3. Heard Advocate Siddhikesh Gosalkar for applicant and APP Sachin Jadhav for prosecution.
4. Learned Advocate for the applicant submitted that ad-interim protection was granted to the applicant. According to him, no case for custodial interrogation is made out. It is political motivated case. Informant and applicant were from the same party, now they have separated. Therefore he would submit that no offence is made out and custodial interrogation of the applicant is not necessary. Therefore he requested to allow the application.
5. Learned APP strongly oppose the application and submitted that investigation is in progress. It is offence against human. Accused is likely to threaten witnesses if released on bail and will not attend the trial. Hence he requested to reject the application.
6. I have perused the FIR. It seems that the applicant/accused made comment to the Maharashtra Times facebook in respect of the post pertaining to the Hon'ble Chief Minister of state. The Maharashtra times reports on the faceook “मुंब्यात फुसका बार आला आणि वाजलाच नाही, आमच्या कार्यकर्त्याच्या फटाक्यांचा आवाज एवढा होता की, त्यांना यु टर्न घ्यावा लागला”. It reveals that the informant has lodged report that the accused commented to the said post “मुख्यमंत्री शिंदे BJP चा condem aaje” which outraged the modesty of women. On the basis of her report this offence

has been registered. Having gone through the above comments and considering the facts and considering the nature of offence, its punishment I am of the considered opinion that custodial interrogation of the applicant is not at all necessary and warranted. Thus, without expressing any opinion on merit of the case. I find that accused deserves to be released on anticipatory bail. Hence, the application succeeds and I pass the following order :-

ORDER

1. The applicant **Hemant Satyawar Palav**, be released on anticipatory bail on executing personal bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand only) each, with one surety, in the like amount, in the event of their arrest in Crime No.747/2023 registered with MIDC Police Station for the offences punishable under Sections 506, 153-A of the Indian Penal Code and Section 67 of the Information Technology Act on the following conditions :
 - (i) He shall not make any comment in respect of the present case which hurt feeling of the public at large henceforth.
 - (ii) He shall attend the concerned police station as and when called by the Investigating Officer and co-operate in investigation till filing of the charge-sheet.
 - (iii) He shall not travel abroad without previous permission of the concerned Magistrate Court.
 - (iv) He shall not give any threat to the witnesses and tamper the prosecution evidence.

2. Inform the concerned police Station.
3. Anticipatory Bail Application No.1820/2023 stands disposed off accordingly.

Sd/-

Date: 08.01.2024

(Ashish Ayachit)
Additional Sessions Judge,
City Civil & Sessions Court,
Borivali Division, Dindoshi.

Dictated by HHJ on : 08.01.2024
Transcribed on : 08.01.2024
Signed by HHJ on : 08.01.2024

CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”	
Date : 8.1.2024 Time : 5.10 P.M. UPLOAD DATE AND TIME	Mrs. R.V.Kadam (Stenographer Grade-I) NAME OF STENOGRAPHER
Name of the Judge (with Court Room No.)	HHJ Shri Ashish Ayachit (Court Room No.13)
Date of Pronouncement of Jud/Order	08.01.2024
Judgment/Order signed by P.O. on	08.01.2024
Judgment/Order uploaded on	08.01.2024