

**IN THE COURT OF SESSIONS FOR GR.BOMBAY
AT BOMBAY
BAIL APPLICATION NO. 2139 OF 2020**

Vibhor Vinod Kumar Anand

Age: 30 years.

R/a: 52/8, Old Rajendra Nagar,

Karol Baug Metro Station,

New Delhi- 110 060.

... Applicant

Versus

State of Maharashtra

(At the instance of BKC, Cyber

Police Station.)

... Respondent.

Ld.Advocate Mr.Sarogi alongwith Ld.Advocate Mr.Tiwari for applicant.

Ld.APP Mr.Siroya for State.

CORAM : HIS HONOUR THE ADDL.SSESSIONS JUDGE

SHRI. Dinesh E. KOTHALIKAR (C.R.NO.25)

DATED : 2nd November, 2020. (IN-CHARGE OF C.R.NO.21)

(DICTATED AND PRONOUNCED IN OPEN COURT)

ORAL ORDER

. Read application and say. Heard.

2. The applicant who is arrested in C.R.No.30/2020 from Mumbai Cyber Police station for the offence punishable U/sec.509,505 (2), 500, 504 of IPC and Sec.67 of IT Act, is before the court for bail under Section 439 of Cr.P.Code.

3. According to the prosecution the applicant and others have posted some twits by using their respective twitter handles and posted some objectionable post against the Chief Minister, Tourism Minister, Maharashtra and defamed them. According to the prosecution by posting such posts the applicant and co-accused have committed breach

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of public peace.

4. According to the applicant, he being an advocate watches various TV channels and particularly the channel known as 'R Bharat'. While watching the channel he came across with statements made by the anchor that Sushant Singh Rajput has been murdered only because of the murder of Disha Salián. He had uttered names of various persons on the said channel being the persons responsible for the death of Sushant Sigh and Disha Salián. Upon hearing such statements made by the anchor, the applicant had been made to believe that those persons have committed murder of Disha Salián and that it was not case of suicide. According to him he had no intention to defame the reputation of any person. Therefore it is claimed that he has not committed any offence. Hence the application for bail is submitted.

5. The application has been objected by prosecution by filing reply Exh.2. It is claimed that the applicant without verifying the truthfulness of the information received by him had made defamatory statement by posting them on twitter, Youtube and other social media. The applicant is having tendency to cause interference in the judicial system. He had published a block in the name of News Brad on News Portal on 25/3/2020. Earlier also his twitter account were suspended but it was reactivated by the applicant. The investigation as to the funds collected by the applicant for the trust namely India Against Buyers Media is in progress. Investigation is required to be made on the point of connection of the applicant with the co-accused. It is further claimed that if the applicant is released on bail he would delete the post which are posted on social media. Therefore, it is prayed for rejection of the application.

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6. The Ld.advocate for the applicant Mr.Sarogi has submitted that he does not dispute the fact that the applicant has posted the disputed post on the social media. However according to him the applicant and his father (who is present before the court) would post separate post on the social media and would tender apology. Further he has submitted that hereinafter the applicant would not repeat such act, which would defame the others. The Learned advocate Mr.Priyosh Tiwari had gone a step ahead to submit that if hereinafter it is found that the applicant has misused the liberty and posted such derogatory post in that case, the bail if granted to the applicant, would be liable to be cancelled on the sole ground. Hence it is prayed for grant of bail.

7. The Ld.APP Mr.Siroya has submitted that the court while granting bail is required to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interest of the public or State and similar considerations. In support of the submissions he has relied upon the judgment of Hon'ble Apex Court in the case of **Prahlad Singh Bhati Vs. NCT, Delhi in Cri.Appeal No. 324/2001 decided on 23/3/2001.**

8. I have considered submissions of both the sides. The Learned advocate for the applicant has placed on record certain articles stating that similar allegations have been made by one Mr.Narayan Rane and Nitesh Rane and submitted that those persons have not been prosecuted

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by the prosecution. In this regard the Ld.APP Mr.Siroya has submitted that the material placed on record is an extraneous material and the same cannot be considered. It is to be noted here that one of the persons who has made similar allegations has not been prosecuted by the prosecuting agency does not mean that the applicant has got a licence to make such allegations against other. Therefore I do not find merit in the contention raised by the Ld.advocate for the applicant.

9. Be that as it may, in view of the fact that the Ld.advocate for the applicant has fairly conceded that the applicant has posted the posts on social media. It is undisputed that the posts contain defamatory articles. However, in view of the statement made by the Ld.advocate for the applicant that the applicant is repenting for the act which he has allegedly committed and the punishment prescribed for the offence in my view it would be just to exercise discretion in favour of the applicant. Considering the allegations made against the applicant it can be said that most of the investigation qua the applicant appears to have been completed. Therefore, I hold that the applicant is entitled to be released on bail. Thus I pass following order;

ORDER

1. Bail Application No.2139 of 2020 is allowed.
2. The applicant Vibhor Vinod Kumar Anand be released on bail on his executing PB and SB of Rs.50,000/- with one or two solvent sureties.
3. Needles to say that the applicant would follow the statement made by Ld.Advocate Mr.Sarogi in respect of tendering apology within seven days from this date.
4. The applicant shall attend BKC,Cyber Police Station on every

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Monday between 9.00 am to 11.00 a.m till further orders.

5. The applicant shall submit a list of atleast 3 blood relatives with their detail residential addresses and also the addresses of their place of work, if any and documentary proof of showing the correctness of the details produced by him.

6. The applicant and the surety as a condition for grant of bail that, both the accused and the sureties must necessarily inform the police authorities as well as the Court granting the bail the change of their residential address while the accused is on bail.

7. The applicant shall submit copies of at least two documents amongst the Passport, PAN Card, Adhar Card, Ration Card, Electricity bill or Voter Identity Card issued by the Election Commission of India.

8. After submission of these two documents the concerned Police Station shall conduct physical verification of the residential address so as to confirm the address appearing on these documents and place before the Court a certificate to that effect under the signature of the S.H.O.

9. The applicant shall not repeat such type of offence hereinafter else that will be the ground sufficient to cancel his bail.

10. The applicant shall not misuse the liberty.

(Dinesh E. Kothalikar)
Addl.Sessions Judge,
(In-Charge of C.R.No.21)
City Civil and Sessions Court,
For Greater Bombay

Date : 02.11.2020.

Dictated on : 02.11.2020.
Typed on : 02.11.2020.
Signed on : 02.11.2020.

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“ CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”

UPLOAD DATE AND TIME : 03.11.2020 AT 11.40 am

NAME OF STENOGRAPHER :MRS. Prajakta K. More

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| NAME OF THE JUDGE | HHJ SHRI.D.E.KOTHALIKAR (C.R.No.25) |
| Date of Pronouncement of Order | 02/11/2020 |
| Order signed by the P.O. On | 02/11/2020 |
| Order uploaded on | 03/11/2020 |