

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

CRIMINAL APPEAL NO. 761 OF 2021

Abdul Rahim Abdul Gani
Ghadiyali

....Appellant

V/s.

The State of Maharashtra
and anr.

....Respondents

* * * *

Ms. Tahera Abdul Rashid Qureshi, Advocate for the
appellant.

Mr. A.D. Khamkhedkar, APP for State-respondent no.1.

Investigating Officer, API Mr. S.S. Shelke from Mumbra
Police Station present.

Coram : Sandeep K. Shinde, J.

Thursday, 23rd September, 2021.

P.C. :

1. It is an appeal under Section 14A(2) of the
Schedule Caste and Schedule Tribes (Prevention of
Atrocities) Act, 1889 (“Act of 1889” for short).

2. Heard learned Counsel for the appellant and learned APP for the State. Investigating Officer is present.

3. Prosecution case is that, appellant-accused sent a post on his Facebook Account which allegedly disrespects Dr. Babasaheb Ambedkar to whom the complainant held in high esteem being a Member of the schedule caste. The complainant, thus lodged the First Information Report against the applicant, whereupon Crime No.813 of 2021 was registered at Mumbra Police Station for the offences punishable under Sections 295A of the Indian Penal Code, Section 67 of the Information Technology Act and Section 3(1)(v) of the Act of 1889.

4. Applicant's case is that, he has been falsely implicated, he being RTI activist and whistle blower. His case is, unknown person has created a Facebook account in his name and sent a post on his Facebook account. Thus, he disowns the Facebook account and post. In context of these facts, the Investigating Officer has required the Senior Inspector, Cyber Cell, Thane to verify the I.P. address and such other details and submit the report.

5. Learned APP, on instructions, submits that, report is likely to be received within a month. Therefore, unless it is ascertained, whether it was a fake account of applicant or not, it would not be appropriate to deny him

the protection. List the application after a month i.e. on 25th October, 2021. However, Investigating Officer shall take steps to block the Facebook account of applicant to prevent further circulation of objectionable post.

6. Issue notice to respondent no.2 returnable on 25.10.2021. Till then, in the event of arrest of the applicant in Crime No. I-813/2021 registered with Mumbra Police Station, he shall be released on bail on executing P.R. Bond in the sum of Rs.20,000/- (Rs. Twenty Thousand only).

7. Stand over to 25th October, 2021.

(Sandeep K. Shinde, J.)