

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 2294 OF 2026

Kamakhya Prasad Das	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

**Mr. Mihir Desai, Senior Advocate a/w Adv. Vijay Hiremath,
Adv. Rishika Agarwal, for the Applicant.**

**Mr. Shishir Hiray, Special PP & GP a/w Mr. Prasanna P. Malshe,
A.P. P. a/w Adv. Shubham Joshi and Adv. Sanjay Kakne,
for the Respondent – State.**

**PI Sushant Sawant, Crime Branch, Unit – VI, Chembur, Mumbai,
is present.**

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 14TH AUGUST 2026

P.C:-

1. Heard Adv. Mihir Desai, learned Senior Counsel for the applicant as well as Adv. Shishir Hiray, learned Special PP and GP for respondent – State.

2. The applicant has filed instant application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, “BNSS”) seeking pre-arrest bail in Crime No. 464 of 2026 dated 13.10.2025, registered with Trombay Police Station, Brihanmumbai, for the offence punishable under Sections

189(2), 190, 192, 196, 197, 223 of the Bharatiya Nyaya Sanhita, 2023 (for short, “BNS”) and Sections 37(1)(a), 37(3) and 135 of the Maharashtra Police Act, 1951.

3. The offence came to be registered on the basis of a report lodged by the complainant, alleging that on 12th October 2025 this applicant along with several other accused persons, who are students of Tata Institute of Social Sciences, have joined in an event of commemoration of death anniversary of G. N. Saibaba, who was an active member of Revolutionary Democratic Front of banned CPI (Maoist) and who has expired on 12th October 2024. The complainant has alleged that in the said event several persons including this applicant has raised certain slogans, which according to the complainant depicted their mindset of supporting the Maoist activity. It is also alleged that while paying homage to the deceased person, the group of accused persons have used the words ‘rest in power Prof. G. N. Saibaba (1967- forever)’. On the basis of these allegations, FIR came to be registered against nine persons, including this applicant who is arraigned as an accused no.2.

4. Learned counsel for the applicant submits that the only role of this applicant is participation as member of the commemoration and being a part of the group which has raised those slogans. He also submitted that after registration of FIR, this applicant has filed an application before Sessions Court seeking anticipatory bail and by order dated 18th October 2025 an interim protection was granted in favour of this applicant as well as other accused persons. He further submits that during investigation, the mobile phone and laptop of this applicant was seized and thus considering the nature of offence about raising of slogans, there is no need of custodial interrogation of this applicant.

5. As against this, Mr. Hiray, learned Special PP for respondent – State opposed the application and submitted that the FIR specifically names this applicant as one of the accused persons who have raised slogans saying thereby that Umar Khalid and Sharjeel Imam be released from jail. He submits that during course of investigation, the mobile phone and laptop of this applicant was seized and it was found that certain books published by members of Indian Communist Party (Maoist)

were downloaded in his mobile phone. He also states that certain data was found deleted from the mobile phone. He would therefore submit that for ascertaining the data/information which was deleted, the custodial interrogation of this applicant is necessary. Apart from this, he submits that the very fact that certain books in pdf format supporting ideology of Maoism were found downloaded, it is necessary to ascertain the mindset of this applicant and therefore custodial interrogation is necessary. He also states that even after an interim protection was granted by the Sessions Court, this applicant has not co-operated the investigating agency and has given threats to one of the police officer by name, Tanaji Rode about removing stars from his uniform. On the basis of these submissions he has opposed grant of any interim protection in favour of the applicant.

6. It has to be noted that this Court is considering an application for grant of anticipatory bail. The gravamen of allegations against this applicant is his participation in the commemoration and being a part of the group which has allegedly raised certain slogans. The further allegations are

about downloading of certain books supporting Maoist ideology. At this stage, after considering the material on record, *prima facie* these acts do not constitute any offence.

7. It has to be noted that anticipatory bail is granted by the Sessions Court to all the accused persons, except accused nos. 2 and 3. It is pointed out that anticipatory bail application of accused no.2 i.e. this applicant and accused no.3 was rejected and thereafter accused no.3 is arrested. Pertinent to note while rejecting the anticipatory bail application of this applicant, the Sessions Court has observed in paragraph no. 16 and 20 of the order that use of words 'rest in power' and act of mere downloading of books published by Maoist organization would not amount to an offence but has observed that it is necessary to ascertain the intention of the applicant in downloading those books and therefore custody of the applicant is necessary.

8. There is no dispute that the mobile phone and laptop of this applicant is already seized. It is also not disputed that the Sessions Court has granted an interim protection in favour of the applicant on 18.10.2025. Thus, from 18.10.2025 till 07.08.2026, the applicant was on interim protection. As such, at

this stage, considering the nature of allegations and the fact that the mobile phone and laptop of this applicant is already seized, the custodial interrogation of this applicant need not be insisted upon and hence the applicant needs to be granted interim protection, subject to certain conditions.

9. Accordingly, the applicant is directed to join in the investigation by attending the Police Station on Wednesday 19th August 2026 and Monday 24th August 2026 between 10:00 a.m. to 2:00 p.m. and as and when called upon by the investigating agency. The applicant is directed to disclose to the investigating agency all the details regarding the literature available with it, if demanded by the investigating agency. Subject to these conditions, the applicant shall not be arrested till next date.

10. List the application for further consideration on 31st August 2026.

(PRAFULLA S. KHUBALKAR, J.)

VDMokal/-