

CNR. NO. MHMM110113262026

IN THE COURT OF ADDL. THE CHIEF JUDICIAL MAGISTRATE,
37TH COURT, ESPLANADE MUMBAI
BAIL APPLICATION NO. 1271 OF 2026
C.R. NO. 107/2025 DCB CID UNIT-06

A) CASE DETAILS	
FIR Number & Date	464/2026, Date of FIR :- 13.10.2025
Police Station, District & State	Trombay Police Station, Mumbai, Maharashtra
Sections invoked	Section 189(2), 190, 192, 196(1)(b), 197(1)(d), 61(2) (a), 223(b) of the B.N.S., 2023 and section 37(d)(e), 135 of the Maharashtra Police Act, 1951.
Maximum punishment prescribed	05 Years
B) CUSTODY & PROCEDURAL COMPLIANCE	
Date of arrest	07.08.2026
Total period of custody undergone	Yet in custody
C) STATUS OF TRIAL	
Stage of proceedings	Investigation
Total number of witnesses cited in the charge-sheet	NA
Number of prosecution witnesses examined	NA
D) CRIMINAL ANTECEDENTS	
FIR No. & Police Station	NIL
Sections	NA

Status	NA
E) PREVIOUS BAIL APPLICATIONS	
Court	The Hon'ble Sessions Court
Case No.	ABA No. 2071 of 2025
Outcome of case	Rejected.
F) COERCIVE PROCESSES	
Whether any Non-Bailable Warrant was issued	No
Whether declared a proclaimed offender	No

ORDER BELOW BAIL APPLICATION

Accused Abhirup Ashim Paul @ Rony is prosecuted for the offence punishable under section 189(2), 190, 192, 196(1)(b), 197(1)(d), 61(2)(a), 223(b) of the B.N.S., 2023 and section 37(d)(e), 135 of the Maharashtra Police Act, 1951 wherein accused has claimed bail by filing present application. The application is supported by affidavit.

2. The applicant/accused has claimed that the allegations made against the applicant/accused are not made out against him. The applicant had approached the Hon'ble Sessions Court, Greater Mumbai, vide Anticipatory Bail Application No. 2071 of 2025, immediately after filing the FIR and the Hon'ble Sessions Court was pleased to grant interim protection to the applicant/accused for the first time on 18.10.2025 and the same was continued from time to time for the last ten months. Thereafter, ABA of the applicant/accused came to be rejected on 07.08.2026, however, he has co-operated with the investigating agency. The mobile and laptop of the applicant/accused were seized from him and has been interrogated for approximately 21 hours, therefore, his judicial custody is not required. None of the

offences are punishable for more than three year of imprisonment. If the applicant/accused is not enlarged on bail, his life and career will be ruined. Hence, on the grounds mentioned in the application, the accused has claimed releasing on bail on terms and conditions imposed by this Court in terms of prayer Clause (a) of the application.

3. The learned Special APP and I.O. opposed the application on the ground that the applicant/accused and his associates celebrated the death anniversary of G. N. Saibaba who was related to banned Maoist organizations and demanded the release of Sharjeel Imam and Umar Khalid, who are detained for charges of sedition. It was a pre-planned conspiracy hatched to create ideological rifts among the students of TISS (Tata Institute of Social Sciences) and to disrupt law and order. The applicant/accused has deleted several secret groups from his mobile phone. If the applicant/accused released on bail, the accused may again participate in such activities and disturb the peace. The applicant/accused has also threatened witnesses as well as the police.

4. It is further alleged that the offence investigation in respect of mobile phones, social media posts, WhatsApp chats, CCTV footage, and literature written by active members of banned organizations is going on. The applicant/accused and his associates deleted their mobile chats as well as an app named 'Signal'. Most of the witnesses in this crime are other students, professors, or staff members of the TISS institute. If the accused is granted bail, he may use his influence to threaten these witnesses or pressure them to change their statements. Previously, the applicant/accused had threatened a staff member of the

TISS institute.

5. It is further alleged by the prosecution that the applicant/accused has not co-operated with the investigation so far and has given misleading information regarding why he deleted the messages and apps from his mobile phone. The applicant/accused is a member of the Progressive Students Forum (PSF), an organization working against the administration of the TISS institute. Various pamphlets are being circulated on social media to exert pressure so that the Court grants him bail, therefore, if granted bail, the accused may go underground to escape the clutches of the law. Furthermore, the possibility of his failure to appear during the judicial proceedings cannot be ruled out. PDFs of books related to Maoism have been found on the applicant/accused's mobile phone. This indicates that the accused is an active supporter of Maoist ideology.

6. It is further alleged that if released on bail, the possibility of him again promoting and spreading Maoism cannot be ruled out. Since PDF documents of the 'Purba Bangla Maoist Party' East Bengal Maoist Party, a cross-border organization were found with the accused, there is a possibility that this case is not just internal but linked to cross-border relations. There is a possibility that the accused has links with Maoist organizations in Bangladesh that oppose democracy in Bangladesh. There is a strong probability that this case is part of a large and well-organized network. The applicant/accused established direct contact with various disgruntled local elements under the guise of coursework fieldwork, he may instigate such communities if released on bail, thereby disrupting public peace, law, and order. If bail is granted in

such a case, he may continue his role more secretly and cautiously. Conditions of rejection of bail are stated in the reply and on that ground prays to reject the application.

7. Heard the learned advocate for the accused and the learned APP. The learned advocate for the accused placed his reliance on the following case laws :

- a) **Kamakhya Prasad Das V/s. The State of Maharashtra ABA no. 2294 of 2026**
- b) **Ms. Jyoti Babasaheb Chorge V/s. State of Maharashtra Criminal Bail Application No. 1020 of 2012**
- c) **Thwaha Fasal V/s. Union of India (2022) 14 Supreme Court Cases 766**

The learned APP has relied upon the documents pertaining to panchnama carried out on 12.12.2025 and the panchanama dated 06.01.2026 along with documents and the whatsapp chats produced on record.

8. I have gone through the contentions of the accused and prosecution in the light of objection along with the documents relied upon. The learned Special APP had invited my attention to all the panchanamas with documents with details along with panchanamas and claimed the rejection of the application strongly.

9. The accused is prosecuted for the offence punishable under section 189(2), 190, 192, 196(1)(b), 197(1)(d), 61(2)(a), 223(b) of the B.N.S., 2023 and section 37(d)(e), 135 of the Maharashtra Police Act, 1951. The allegations against the accused through the FIR reveals

that the complaint was lodged by Dr. Vaishali Kolhe with respect to the allegations against the accused persons who had gathered on 12.10.2025 being student of Tata Institute of Social Science in the event of commemoration of death of anniversary of G. N. Saibaba and raised slogans which according to the informant depicts the mind sets supporting maoist activities and alleged that the students have pay homage to the deceased persons and used words "Rest in power G. N. Saibaba" and on that basis nine accused persons were booked for the commission of offence and out of that the present applicant is one of the accused No.3.

10. The prosecution has objected the application and claimed that the accused persons have raised slogans by saying Umar Khalid and Sharjeel Imam be released from jail. It is submitted by the prosecution that during the course of investigation the mobile phone and laptop of the applicant was seized and it was found that certain portion of mobile was deleted and the mobile had found certain books published by member of Indian Communist Party. The learned Special APP stressed on the panchanama carried out on 12.12.2025 and details of panchanama containing the information downloaded and submitted that the objectionable data was found in the mobile and the accused is studying the objectionable books which are against the nation and the books which are used by the accused prima facie establish anti-nation activities and the activities as regards separation of nation for uniformity. It is further submitted that the accused has targeted Indian economy and the allegations of threat to the unity of nation, therefore, the accused is not entitled to be released on bail.

11. The accused is hiding something which amounts to division of unity of nation and therefore, the activities against the nation and the books which are found in possession of the accused prima facie shows the participation of the accused against the nation and therefore, by taking me through the panchanama and the chats, the learned Special APP has claimed the mind set of the accused. From the whatsapp chat it reveals the threat against the nation and therefore, releasing accused would be targeting Indian economy and the objectionable material produced on record along with panchanama shows the threat to the nation and therefore, releasing accused would be not proper at the stage of investigation.

12. On the other hand, the learned advocate for the accused submitted that the accused is young and studying as per the curriculum of the college and there is no involvement of the accused as alleged by the prosecution and the investigation of the offence is started from October, 2025 and he has placed reliance on the order of the bail granted in favour of the accused and subsequently, on the basis of investigation the bail application 2071 of 2025 was considered and the anticipatory bail application of the accused was rejected. The accused was taken into custody and no incriminating material brought on record during custodial interrogation. Therefore, considering the nature of offence the accused is entitled to be released on bail.

13. From the statement of the applicant and considering the registration of FIR in respect of incident on 12.10.2025 and the order passed in ABA No. 2071 of 2025, prima facie shows that the investigation of the offence is being carried out and substantive period

has been lapsed to investigate the allegations against the accused. The another aspect needs to be considered is that by virtue of order dated 14.08.2026 in ABA No. 2294 of 2026, the Hon'ble High Court has granted protection to one of the accused Kamakhya Das and on the conditions of attending police station for investigation of the offence on the ground of allegations of the FIR lodged against the present accused and on the same footing when the present accused has participated in the event of commemoration of death anniversary of G. N. Saibaba and raising slogans in the institute and therefore, on the ground of investigation, the consideration of allegations and the incriminating circumstances against the accused is necessary to consider the liberty of accused.

14. The Hon'ble High Court had considered the aspect of finding of mobile and seizure of material from laptop and the published books downloaded from mobile and the aspect of supporting ideology by virtue of said downloaded material and the mind set of the applicant who was applicant in the said case and the consideration of allegations against the present accused whether the participation of accused in group and allegations of slogans constitutes an offence requires consideration. The Hon'ble High Court has prima facie considered that the acts do not constitute any offence.

15. The allegations against the accused as per FIR is prima facie of conducting activity of commemoration of death anniversary and slogan and during investigation, it appears that the investigating officer has made suspicious activities of the accused by connecting with nation and made suspicion that the possibility of creating haterate in the

community and in the society. Therefore, the investigation was undertaken on the said aspect, however, prima facie there is no incriminating material on record to justify involvement of the accused against the nation and only because accused is member of Progressive Students Forum of TISS and participation in the activity of commemoration and the uttering slogans along with the investigation carried out by the investigating officer prima facie does not found supporting material that the accused has got benefit of social network and prima facie no material to connect the accused with the mind set of maoist merely because of finding of pdf books the inference of connection with the mind set of maoist can not be drawn.

16. The learned advocate for accused placed reliance on the decision in the case of Jyoti Chorge V/s. State of Maharashtra in Criminal Bail Application No. 1020 of 2012 relied upon decided on 08.10.2012 and claimed that the literature or the books those are not banned and the allegations against the accused are not showing incriminating material for connecting with the maoist and being the student of institute is bound to get updated knowledge by reading books and the downloading books and the collecting material as per the curriculum of institute for updating knowledge does not amount to activity against the nation and the connection of accused cannot be joined with the alleged naksal movement and the mind set of maoist. The decision of Hon'ble High Court and considering the allegations against the accused prima facie I am of the view that the investigating officer had got sufficient time for investigation of the offence and the activities of the accused however, prima facie there is no material against the accused to connect him against the unity of nation and the

consideration of bail to the young offender is necessary for maintaining his career and when there was no incriminating material except suspicion and hence, keeping accused behind the bar would not be just.

17. It is material to note that while consideration of ABA 2071 of 2025 and the aspect of involvement of the accused in the light of investigation was considered and the application of the accused was rejected for custodial interrogation to extract truth, however, prima facie except suspicion there is no material to link the activities of the accused with mind set of maoist or against the nation or associating with banned organization against the India. The interrogation against the accused is carried out for sufficient period and in such circumstances, no further custody of the accused is required, therefore, in such circumstances, in comparative to the order passed in favour of accused Kamakhya Das by the Hon'ble High Court, the present accused has made out ground to release him on bail with imposing conditions to monitor the activities of the accused and safeguard the objection of prosecution. Hence, in the result, I proceed to pass the following order :-

ORDER

1. The applicant/Accused Abhirup Ashim Paul @ Rony is hereby released on executing personal bond of Rs.1,00,000/- with one or two sureties each, of the like amount.
2. The applicant/accused be released on provisional cash security of like amount for two weeks.
3. The applicant/accused to attend the office of DCB CID Unit-06 on every Wednesday between 10.00 a.m. to 12.00 p.m. till filing of the charge-sheet.
4. The applicant/accused shall not commit an offence similar to the

offence of which is he accused or suspected of the commission of which he is suspected.

5. The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
6. The applicant/accused shall not leave jurisdiction of India without prior permission of the Court.
7. The accused shall submit the proof of his residence and two recent photographs and also submit mobile numbers and shall intimate change of address and change of mobile if any, to the concerned court and concerned police station.
8. The applicant/accused to furnish identify proof and address proof of his two blood relatives for knowing whereabouts and securing presence of the accused during trial.
9. The observations made herein above are confined for the purpose of determination of entitlement of bail on prima facie consideration and it shall not influence the Court in the way of decision of case on its own merit.

Date : 10.09.2026

Addl. Chief Judicial Magistrate,
37th Court, Esplanade, Mumbai