



CNR No.	GANG020033472025		
Presented on	29.09.2025		
Registered on	29.09.2025		
Decided on	03.10.2025		
Duration	Years	Months	Days
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**IN THE COURT OF THE JUDICIAL MAGISTRATE
FIRST CLASS, 'E' COURT AT MERCES - GOA.**

(Before: Gajanan Anil Halarneker, Judicial Magistrate First
Class, 'E' Court, Mercers, Goa)

Bail Application No.131/2025/E

Mr. Mohamad Sathim,
Mr. Mohamad Ashik Ali,
Age 23 years, Indian National,
Resident of H.No.C18/156/3,
Flat C-F-2, Shetters Enclave,
Vodlem Bhat,
Taleigao, Caranzalem,

North Goa-403002
Through his next friend (father)
Mr. Mohamad Ashik Ali,
s/o Mohamad Hussain,
aged about 55 years,
Indian National,
r/o H.No.18/156/3,
Flat C-F-2, Shelters Enclave,
Vodlem Bhat, Taleigao,
Caranzalem, North Goa-403002

... Applicant

V/s

1. State of Goa
Through Police Inspector IO and
Officer in charge of Cyber Crime
Police Station,
Raibandar Goa.

2. The Assistant Public Prosecutor

... Respondents

Appearances

Ld. APP Shri. N. Govekar present for the State.

Ld. Advocate D. Fernandes present for the
Applicant/Accused.

Ld. Advocate D. Bene present for the Intervenor.

ORDER

*(Delivered on this 03rd day in the month of October of the
year 2025)*

This Order shall dispose of the application for
bail under section 480 of B.N.S.S. filed by the Applicant at
Exhibit C-1.

2. Heard Ld. Advocate N. Takkekar for the Applicant and Ld. APP Shri. N. Govekar for the State and Ld. Advocate D. Bene for the Intervenor.

3. It is the case of the Applicant that he was placed under arrest in FIR no. 37/2025 u/s 79, 356 of Bharatiya Nyaya Sanhita 2023 and Section 66-C, 66-E, 67 and 67-A of the Information Technology Act 2000 by the Cyber Crime Police Station Ribandar, Tiswadi, Goa.

4. It is the case of the Applicant that he is innocent and denied having committed any offence as alleged against him and that the charges levelled against the Applicant are concocted and not tenable in law and without prejudice and hence prayed that the Applicant be enlarged on bail.

5. That at this juncture application for Intervention came to be filed by the Complainant at Exhibit D-7 along with written submissions on behalf of the Intervenor which was allowed by this Court.

6. I have perused the Bail Application and the documents on record and heard Arguments on behalf of the Learned Advocate for the Applicant, the Learned APP for the state and the Learned Advocate for the Intervenor.

7. The Learned Advocate for the Accused argued that the alleged mobile phone involved in the present crime has been already attached by the Investigating Officer. He further contended that Bail is the rule and Jail is an exception and as such the applicant should be enlarged on bail.

8. The Learned Advocate for the accused also argued that the apprehensions of the Investigating Officer can be put to rest by imposing appropriate conditions including the surrendering of his Passport, reporting to the Police Station which the Applicant is willing to abide

9. He also further submitted that the Applicant is a student and currently employed as an Apprentice and keeping him in custody will severely hamper his education and work life.

10. Investigating Officer has filed his say at Exhibit C-6 wherein facts of the case are stated in brief and strongly objected to the grant of bail of the Applicant.

11. Per contra the Learned APP for the State argued that the previous conduct of the Applicant needs to be taken into consideration since he had already been involved in an act of similar nature wherein he had submitted a written apology to the Police Inspector of the Cyber Crime Branch, Ribandar. He further argued that during interrogation the Applicant has remained uncooperative, evasive and has refused to reveal the password of his Cloud storage which is very much essential for the purpose of Investigation in the present Crime and hence prayed the present application be rejected.

12. He further contended that if the Applicant is enlarged on bail then the Accused may escalate his actions by circulating the Complainants photographs and videos on additional social media platforms and as such it is necessary to keep him in custody so as to refrain him from using the internet.

13. I have also perused the Application for Intervention and the Written submissions and heard Learned Advocate for the Intervenor wherein it has been submitted that the previous conduct of the Applicant needs to taken into consideration since he had already been involved in an act of similar nature wherein he had submitted an apology to the Police Inspector of the Cyber Crime Branch, Ribandar, which was merely an attempt to avoid legal repercussions.

14. The Advocate for the intervenor further argued that despite an apology it came to the knowledge of the Victim that her morphed images were being circulated and as such he prayed in the interest of justice and in order to ensure fair investigation that the present application be rejected.

15. Further the Advocate for the intervenor has filed D-9 Memo along with Supplementary statement/Complaint in FIR 37/2025 and D-10 Additional written submissions on behalf of the intervenor stating that the present applicant is acting in collusion and connivance

with one Mr. Sanjeet Signapurkar who may have been engaged in editing/morphing her personal photographs and supplying the same to the present applicant.

16. This Court further heard Learned Advocate for the Accused, the intervenor and the Learned APP for the state on this aspect of supplementary statement/complaint. However I am of the view that the said supplementary statement/complaint does not have any bearing on the present bail application and the said present complaint produced on record may be dealt by the investigating agency. There seems to be no valid ground/reason as to why the applicant should be confined to further custody in view of the said supplementary statement. Moreover, there seems to be no valid ground/reason as to how why the investigation in the said supplementary statement should continue only with the applicant in custody.

17. The intervenor has also relied upon a judgment of the Madurai Bench of the Hon'ble Madras High Court in the case of **Haj Mohamed Vs State [CrI.OP(MD) No.5108 of 2024]** wherein criminal case was registered

as against the petitioner for the offence u/s. 354 IPC, Sections 66, 66C, 67 of IT Act @ 354 C, 294(b), 509 IPC, Sections 66C, 67, 66D, 67A of IT Act & Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. Herein the prosecution case was that the petitioner had sent obscene and vulgar messages to the defacto complainant's brother through Facebook. On seeing the foul messages, the defacto complainant's brother blocked the ID. Even then, the petitioner continued to send such messages through another Facebook ID. The petitioner had also created fake Instagram ID, morphed the images of the wife of the defacto complainant's brother and uploaded the same in the fake Instagram ID. In this case the Hon'ble Court had refused to grant the bail to the petitioner and had also observed at Para 8 of its judgment that the allegation levelled against the petitioner is serious in nature. Morphing a women's picture and uploading it in social media. Not only it will damage the women's morality and her family, but it will also disturb and may deviate the others, particularly the younger generation, who are using the social media. In view of this judgment the intervenor

prayed that the present bail application be rejected.

18. Here it is also pertinent to discuss another judgment of the Hon'ble High Court of Kerala at Ernakulam in the case of **Muhammed Shan Ck vs State of Kerala Bail Application no. 2535 of 2025 [2025:KER:16615]** delivered on 27/02/2025. Here the case was registered against the petitioner alleging offences punishable under sections 66E, 67, 67A of the Information Technology Act and Sec 120(o) of the Kerala Police Act 2011. The prosecution case herein was that the accused nos. 1 to 3 circulated morphed nude images and videos of female students of BSW, teachers and other female staff members of Don Bosco College at Ayyankunnu, through social media. The Learned Public Prosecutor had submitted that the co accused are not arrested. The accused's in this case were in custody from 14.02.2025 and were granted bail on 27.02.2025 in this present case.

19. Moreover, in the above mentioned judgment of the Hon' Hon'ble High Court of Kerala at Ernakulam in Bail Application no. 2535 of 2025 at para no. 7 the Court

stated that *“Moreover, it is a well accepted principle that the bail is the rule and the jail is the exception. The Hon'ble Supreme Court in Chidambaram. P v Directorate of Enforcement [2019 (16) SCALE 870], after considering all the earlier judgments, observed that, the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and refusal is the exception so as to ensure that the accused has the opportunity of securing fair trial.”*

20. The Learned APP has submitted that the Applicant has been in Police Custody for 3 days and till date has been in judicial custody which in the opinion of this Court has provided Investigating Officer considerable time to conduct the Investigation and custodial interrogation.

21. Considering both the Judgments in hand of the Hon'ble High Courts and applying the ratio to the present application before this Hon'ble Court. I am of the view the basic jurisprudence relating to bail remains the same inasmuch as the grant of bail is the rule and

refusal is the exception and since the Applicant has been in Police Custody for 3 days and till date has been in judicial custody which in the opinion of this Court has provided Investigating Officer considerable time to conduct the Investigation and custodial interrogation and as such this Court finds no reason to reject the present bail application.

22. Further it is also seen that the alleged mobile phone involved in the present crime as per the submissions of the Learned APP has also been attached by the Investigating Officer this itself implies that the investigation can proceed by allowing the present application and imposing necessary conditions on the Applicant. Moreover, keeping the applicant in custody for prolonged period will only hamper his education and work life.

23. A person is treated innocent until proven guilty. The Hon'ble Supreme Court has time and again directed that bail is a rule and jail is an exception. The present circumstances do not indicate any exception to keep the

applicant in jail. The liberty of a person cannot be curtailed only for keeping him in Judicial custody. The apprehension of the prosecution can be put to rest by imposing conditions on the Accused.

24. It is made clear that the Applicant/Accused shall not in any way violate any of the conditions imposed upon him.

25. Considering the facts and circumstances discussed above, this bail application is allowed and the Applicant /Accused be released on bail on the following conditions:-

- (i) Accused shall furnish personal bond of Rs. 20,000/- (Rupees Twenty Thousand only) and one solvent surety of like amount.
- (ii) Accused shall also furnish the address proof and contact proof of the surety with identity details.
- (iii) Accused shall furnish his permanent address proof, contact proof and identity details of self.
- (iv) Accused shall not commit any further

offence/similar offence.

- (v) Accused shall not interfere with the witnesses/complainant or tamper with evidence and the scene of offence.
- (vi) Accused shall remain present before the Court and police as and when required.
- (vii) Accused shall co-operate with the police in the investigation as and when required.
- (viii) Accused shall not leave the State of Goa and the Country without prior permission of the Court.
- (ix) That the Applicant shall not contact the victim/complainant in any whatsoever manner.
- (x) The applicant is hereby directed to report to the Police Inspector/Investigating officer of the Cyber Crime Police Station, Ribandar Goa on 04/10/2025 and on 05/10/2025 from 10:00 am to 1:00 pm.

26. Upon furnishing of the bail bond, Accused to be released if not required in any other crime.

Issue letter to the Jailor accordingly.

Pronounced in the open Court.

Proceedings closed.

Place: Merces-Goa
Date: 03.10.2025

(Gajanan Anil Halarneker)
Judicial Magistrate First Class,
'E' Court, Merces-Goa

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