

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRCA No. 303 of 2023**

- Digendra Singh Thakur S/o Keshav Kumar Thakur, Aged About 32 Years R/o Harinagar, Katulboard, Police Station Mohan Nagar, Durg, Tehsil And District Durg Chhattisgarh. --- **Applicant.**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Bhilai Nagar, District Durg Chhattisgarh. (Wrongly Mentioned As Kotwali In Impugned Order) --- **Respondent**

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For Applicant : Mr. Anmol Sharma, Adv.  
For Respondent/State : Mr. Lalit Jangde, Dy. GA  
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**Hon'ble Shri Justice Deepak Kumar Tiwari**  
**Order On Board**

**04.04.2023**

This application under Section 438 of the Code of Criminal Procedure has been filed by the accused/applicant for grant of anticipatory bail in connection with Crime No.14/2023 registered at Police Station Bhilai Nagar, Durg for the offence punishable under Section 67-B of the Information Technology Act, 2015 and Section 15 of the POCSO Act.

2. Case of the prosecution is that National Center for Missing & Exploited Children which operates the Cyber Tipline and Child Victim Identification Program as also doing work to reduce online child abuse images had a prepared a report No.84314118 through which a data was gathered that in the Instagram used by present applicant, one video related to child pornography was uploaded on 01.11.2021 at 17:57:06 Hours. After obtaining the mobile and IP details, it was found that the said IP address was originated from the foreign country and suspect ID found was of the present applicant. Thereafter, the cyber cell forwarded the details and data stored in the CD to the

Superintendent of Police, Durg, based upon which FIR No.14/2023 was registered against the applicant on 08.01.2023.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that applicant is working as Supervisor in the Nandini Ahiwara Aerodrome and wife of the applicant is working in the Police Department and they have 3 years old daughter. He submits that may be by mistake their daughter could have forwarded or uploaded some photo or video in the social media account however, the applicant has no role the aforesaid act and he has no intention to publish such type of malicious content in the social media. He further submit that FIR has been lodged very belatedly. However, the applicant has handed over his mobile to the investigating officer and he is ready to cooperate with the investigation. In support of his bail petition, learned counsel for the applicant places reliance on the judgment rendered by High Court of Judicature at Bombay in **Ant. Bail Application No.1114 of 2020** decided on 07.01.2021 in between **Pramod Anand Dhumal Vs. State of Maharashtra**. He also places reliance on the order passed by the Hon'ble Supreme Court on 13.12.2022 in **Criminal Appeal No.2265/2022** in between **Ripu Sudan Balkishan Alias Raj Kundra Vs State of Maharashtra**. He submits that the aforesaid matters are pertaining to the similar offences in which the bail has been granted in favour of the applicant. Therefore, considering all these aspects the applicant may be granted anticipatory bail.

4. Per contra, learned State counsel opposes the bail application. However, he submits that during investigation it is found that only one material is uploaded by the applicant in the social media. He has also

not disputed the fact that the applicant has handed over his mobile phone to the investigating authority.

5. Heard learned counsel for the parties and also perused the documents annexed with the petition.

6. Considering the facts and circumstances of the case, further considering the backdrop of the case; the manner in which material data has been collected by the investigating authority; applicant has handed over his mobile to the concerned authority, this Court of the view that no further custodial interrogation appears to be required in the instant case, therefore, present is a fit case to grant anticipatory bail to the applicant.

7. Accordingly, the application is **allowed** and it is directed that in the event of arrest of the applicant, on furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail, on the following conditions:-

- (a) he shall make himself available for interrogation by a police officer as and when required,
- (b) he 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 fact to the Court or to any police officer,
- (c) he shall not act in any manner which will be prejudicial to fair and expeditious trial,
- (d) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
- (e) he shall not involve himself in any offence of similar nature in future.

Sd/-

**(Deepak Kumar Tiwari)**  
**Judge**

*Ajay*