

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22343 of 2022

Applicant :- Bhagwan Singh Alias Bhagwandas

Opposite Party :- State of U.P.

Counsel for Applicant :- Sanjay Singh

Counsel for Opposite Party :- G.A., Pankaj Kumar Srivastava

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sanjay Singh, the learned counsel for the applicant, Sri D.K. Srivastava, the learned A.G.A. for the State, Shri Pankaj Kumar Srivastava, the learned counsel for the informant and perused the record.

2. The present bail application has been filed by the applicant with the prayer to enlarge him on bail in Case Crime No. 100 of 2022, under Sections 354, 506 I.P.C. and Section 67-A of the Information Technology Act P.S. Shahabad, District Rampur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01-04-2022 alleging that the applicant had clicked some objectionable photographs of the informant's daughter and when the informant had settled his daughter's marriage, the applicant showed the photographs to the persons of prospective grooms family, which resulted in their denial from entering the relationship.

4. The learned counsel for the applicant has submitted that there is no allegation of any use of force or assault having been made by the applicant against the victim with intent to outrage her modesty. He has further submitted that there is nothing on record to establish that the mobile phone, from which the photographs have been forwarded, belongs to the applicant.

5. It has been averred in the affidavit filed in support of the bail application that the applicant is an innocent person, he has been falsely implicated in the case, he is having no previous criminal history and he is in jail since 21-04-2022. It has also been stated in the affidavit that there is no possibility of the applicant tampering with any evidence and in such circumstances, the applicant is entitled for bail. It is also stated in the affidavit that the applicant will not misuse the liberty of bail and he will fully cooperate in the investigation.

6. The learned counsel for the informant and the learned A.G.A., on the basis of instructions have opposed the prayer for grant of bail to the applicant. The learned counsel for the informant has submitted that the applicant's act has resulted in cancellation of

the wedding of the victim, therefore, he is not entitled to be released on bail.

7. Having regard to the aforesaid facts and submissions and particularly the fact that there is no allegation of any use of force or assault having been made by the applicant against the victim with intent to outrage her modesty; that there is no material to establish that the alleged photographs had been forwarded by the mobile phone of the applicant himself and that the applicant is languishing in jail since 21-04-2022, I am of the view that the applicant is entitled to be released on bail pending conclusion of the trial. The bail application is accordingly allowed.

8. Let the applicant - **Bhagwan Singh Alias Bhagwandas** be released on bail in Case Crime No. 100 of 2022, under Sections 354, 506 I.P.C. and Section 67-A of the Information Technology Act P.S. Shahabad, District Rampur on his furnishing a personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not influence any witness.

(iii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv) The applicant shall not directly or indirectly make 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 to any police officer or tamper with the evidence.

9. In case of breach of any of the above condition, the prosecution shall be at liberty to move an application bail before this Court seeking cancellation of bail.

Order Date :- 17.8.2022

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