

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE ATUL SREEDHARAN

ON THE 04th OF JANUARY, 2023

MISC. CRIMINAL CASE NO. 60626 of 2022

BETWEEN:-

**RAVI JATAV S/O SHRI JAGDISH JATAV, AGED
28 YEARS, VILLAGE CHHODA SHITLA MATA
ROAD, GWALIOR, DISTRICT GWALIOR
(MADHYA PRADESH)**

.....APPLICANT

(BY SHRI RINKU RATHORE - ADVOCATE)

AND

**THE STATE OF MADHYA PRADESH
THROUGH POLICE STATION CYBER CELL,
DISTRICT GWALIOR (MADHYA PRADESH)**

.....RESPONDENT

***(BY SHRI NAVAL KISHORE GUPTA – PUBLIC
PROSECUTOR)***

*This application coming on for hearing this day, the Court passed
the following:*

ORDER

This is **first** application under Section 439 of the Code of Criminal Procedure, 1973 has been filed for grant of bail to applicant

Ravi Jatav in connection with Crime No.176/2022 for the offence punishable under Section 67-B of the Information Technology Act, registered at Police Station Cyber Cell, District Gwalior.

The applicant is presently in judicial custody since 14.12.2022. The undisputed facts are that the applicant joined investigation, was issued a notice under Section 41-A of Cr.P.C. and let off, and that the charge sheet has been filed.

The allegation against the applicant is that he opened a Facebook I.D. and uploaded one photograph of a minor, of prurient interest which was also forwarded to one Neha Sharma. The incident is alleged to be of 06.05.2020 and the F.I.R. has been registered on 04.10.2022. The complainant in this case is one National Center for Missing and Exploited Children (NCMEC). The applicant was given a notice by the police on 06.12.2022 upon which he appeared before the police and thereafter came to know about the case against him. He further says that the said Facebook I.D. itself has been closed a long time back. But of this sole picture, there are no other vulgar pictures which were uploaded to the said Facebook page, and that the applicant never opened the Facebook page, and that the said page as on date is closed. These are the submissions putforth by the learned counsel for the applicant.

Undisputedly, in this case, the maximum sentence for the first time offender is upto 5 years and a fine upto 10 lac rupees. Learned counsel for the applicant says that even if the allegation of the state is taken to be proved, the applicant is a first time offender.

Learned Public Prosecutor for the respondent/State opposing the application for bail submits that SIM that was seized by the police from the applicant has been issued in the name of the applicant.

Be that as it may, as it is undisputed that the applicant has joined investigation, never been arrested by the police during investigation, and as the charge sheet has been filed, further incarceration of the applicant would amount to a pretrial detention which is not required in the facts and circumstances of the case.

Under the circumstances, the application is **allowed**. It is directed that the applicant herein shall be enlarged on bail upon his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** with one solvent surety in the like amount to the satisfaction of the learned trial court.

Certified copy as per rules.

(ATUL SREEDHARAN)
JUDGE

AK/-