

Court No. - 90

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 58099 of 2022

Applicant :- Pushpendra

Opposite Party :- State of U.P.

Counsel for Applicant :- Satyendra Narayan Singh, Bindeshwari Prasad Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot, J.

By means of this bail application the applicant has prayed to be enlarged on bail in Case Crime No.117 of 2022 at Police Station-Mahawan, District-Mathura under Sections 376, 506 IPC and Section 67 of the Information Technology Act. The applicant is in jail since 15.10.2022.

The bail application of the applicant was rejected by the learned Additional Sessions Judge, Fast Track Court-I, Mathura on 22.11.2022.

Shri Satyendra Narayan Singh, learned counsel assisted by Shri Bindeshwari Prasad Mishra, learned counsel for the applicant contend that the applicant has been falsely implicated in the instant case. The F.I.R. is the result of a relationship gone awry. The applicant and the first informant were intimate. The applicant regularly gave money to the informant to enable him to tide over the financial crises. However, over the period of time the informant started blackmailing the applicant. He refused to succumb to her extortionist demands.

The F.I.R. is the result of the aforesaid refusal. The applicant did not circulate any indecent videos of the victim on the social media. He did not send any offensive messages to the victim from his mobile phone or from any other digital device.

Explaining the criminal history of the applicant, it is contended that the said case under Sections 323, 504 IPC was got registered by the victim as a part of her blackmailing tactics. The applicant resides in Mathura with his family where he works for a living. The applicant is not a flight risk. The applicant is a law abiding citizen who has cooperated with the police investigation and shall join the trial proceeding. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

Shri Paritosh Kumar Malviya, learned AGA-I for the State could not satisfactorily dispute the aforesaid submissions from the record. He does not contest the criminal history of the applicant as disclosed in the bail application.

I see merit in the submissions of the learned counsel for the applicant and hold that the applicant is entitled to be enlarged on bail.

In the light of the preceding discussion and without making any observations on the merits of the case,

the bail application is allowed.

Let the applicant- Pushpendra be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in 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.

Moreover, learned A.G.A. contends that the instructions received disclose that it is not possible to trace out the details of the members from which the indecent messages were sent. The above facts reflect inadequacy of investigation and inability of the district police of Mathura to deal with cyber crimes.

This Court on the past occasions has emphasized the need for the police to upgrade its expertise and training for dealing with the cyber crimes.

The ADG Zone, Agra shall take appropriate measures to upgrade the police infrastructure and training to tackle such I.T. offences and for dealing with such matters where cyber offenders deploy technology to escape detection.

Order Date :- 20.12.2022

Ashish Tripathi