

HIGH COURT OF UTTARAKHAND AT NAINITAL

First Bail Application No.546 of 2022

Bhanu Pratap Pal @ Vicky Pal ...Applicant

Versus

State of Uttarakhand ...Respondent

Present:-

Mr. Arvind Vashistha, Senior Advocate assisted by Mr.
H.C. Pathak, Advocate for the applicant.
Mr. V.S. Rathore, A.G.A. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant Bhanu Pratap Pal @ Vicky Pal is in judicial custody in FIR/Case Crime No. 340 of 2021, under Section 376, 384 IPC, Section 5/6 of Protection of Children From Sexual Offences Act, 2012 and Section 67 of the Information Technology Act, 2000, Police Station I.T.I., District Udham Singh Nagar. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the applicant and the informant were neighbours. They were friends. But, under the guise of this friendship, according to the victim, the applicant took her obscene photographs. He established physical relations with her two or three times, due to which,

the victim stopped talking to him. But, the applicant started forcing the victim to establish physical relations, started blackmailing the victim, finally he made the photographs viral on social media platform under different IDs.

4. Learned counsel for the applicant would submit that the statement of the victim is wavering. She has not stated about rape having been committed on her during investigation or at trial. Hence, it is a case fit for bail.

5. Learned State counsel would submit that the victim has supported the prosecution case and she has also stated about it during her medical examination.

6. The FIR in the instant case was lodged on 13.11.2021. The date of birth of the victim according to her is 19.12.2003. Still she was a child when the incident allegedly took place.

7. The victim has been examined as PW1 in the trial. She has reiterated the version of the FIR. She has stated that the applicant would touch her inappropriately and taken her photographs and did *ganda-kaam* with her. Subsequently, according to the victim, she stopped talking to the applicant, but he used her photographs on social media platform and made them viral.

8. Much of the discussion at this stage is not expected of because the trial is already underway.

9. According to the prosecution, when the applicant was arrested his mobile phone was also taken into custody, which had obscene video of the victim under different names i.e. "Queen of the boys heart".

10. Learned senior counsel for the applicant at this stage would submit that the victim did not say that the video belongs to her. It has also been argued that the video was not, in fact, obscene; they were semi nude photographs.

11. As stated that Court refrains to make deeper scrutiny. PW1 the victim has categorically stated in para 30 of her statement that in the mobile of the applicant, there were obscene video and photographs of her. The victim also tells that the applicant was her neighbour. He would tell her quite frequently that her videos are viral these days.

12. Having considered this Court is of the view that there are immense chances of repeat offence. Hence, the bail application deserves to be rejected.

13. The bail application is rejected.

(Ravindra Maithani, J.)
19.10.2022