

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46672 of 2023

Applicant :- Neeraj

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Rajesh Kumar Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned A.G.A. and perused the record.
2. None appeared on behalf of the informant despite service of notice.
3. The FIR in question was lodged against two persons alleging that they misbehaved with the daughter of the informant and had taken nude photographs and posted the same on the internet.
3. Counsel for the applicant draws my attention to the statement of victim recorded under Section 164 Cr.P.C. by the victim, wherein, she has stated that acts alleged in the FIR was done by Sunil. No allegations were levelled against the applicant except that that photographs were given by Sunil to Neeraj (applicant herein), who had posted the same on facebook.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the fact that only allegations against applicant was with regard to the posting the said photographs on facebook which would attract the offence under Section 67 of the I.T. Act, which is punishable by a term of five years and the applicant has no criminal antecedents. The applicant who is in custody since 28.08.2023. is enlarged on bail.
6. Accordingly, the bail application is allowed.
7. Let the applicant **Neeraj** be released on bail in FIR/ Case Crime No. 104 of 2023, under Sections 354, 506 IPC, 7/8 of POCSO Act and 67(A) of the I.T. Act, P.S. Paikoliya, District Basti, on his furnishing personal bonds and two reliable sureties of Rs. 25,000/-

each to the satisfaction of the court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant 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 facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 2.11.2023

S.A.