

**Court No. - 70**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 45753 of 2023

**Applicant :-** Manoj Kumar

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Satya Narayan Yadav

**Counsel for Opposite Party :-** G.A.

**Hon'ble Sameer Jain,J.**

1. Heard Sri Satya Narayan Yadav, learned counsel for the applicant and Sri Manoj Kumar Singh, learned Brief Holder for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 414 of 2023, under Sections 452, 376, 506 IPC and Section 67-A of I.T. Act, Police Station Jasrana, District Firozabad during pendency of the trial.

3. FIR of the present case was lodged against applicant on 04.07.2023 and according to the FIR applicant is Devar of the sister of the informant and for last one year, she was sexually exploiting her under the false promise of marriage and when family members of the informant tried to settle her marriage with the applicant then he uploaded her obscene video on the Instagram.

4. Learned counsel for the applicant submitted that entire allegation of sexual exploitation and uploading of the obscene video made against the applicant is totally false and actually victim i.e. informant of the case, who is major, was having affair with the applicant and applicant also wanted to perform marriage with her but unfortunately due to some dispute, their marriage could not be solemnized, therefore, on the basis of false allegation after about one year, FIR of the present case was lodged.

5. He further submits that as per allegation applicant uploaded the obscene video on the Instagram but in fact alleged video was uploaded by Jitendra Yadav and this fact is evident from the chatting made between Jitendra Yadav and applicant. He further submits that from the chatting made between applicant and Jitendra Yadav, it reflects that above noted Jitendra Yadav was blackmailing the applicant for money and he is the person, who

uploaded the obscene video of the victim on the Instagram.

6. He further submits that applicant also made a complaint against Jitendra Yadav and others on 26.07.2023, which has been annexed along with instant bail application. He further submits that applicant still wants to perform marriage with the victim. He further submits that applicant is not having any criminal history and in the present matter he is in jail since 25.08.2023.

7. Per contra, learned AGA opposed the prayer for bail and submits that from the case diary, it reflects that from the mobile of the applicant obscene video of the victim was uploaded on the Instagram, therefore, applicant is the person, who firstly sexually exploited the victim and thereafter uploaded her obscene video on the Instagram, therefore, applicant spoiled the life of the informant and therefore, even if the victim was major and she appears to be consenting party, applicant should not be released on bail.

8. Learned AGA further submits that the defence taken by the applicant that Jitendra Yadav is the person who uploaded the obscene video of the victim on the Instagram has been denied by the Investigating Officer in his instructions and there is no evidence on record that the alleged obscene video have been uploaded by Jitendra Yadav.

9. I have heard learned counsel for the parties and perused the record of the case.

10. Although, from the record, it reflects that victim of the case is major lady and according to her applicant sexually exploited her for last one year under false promise of marriage but as per allegation after refusing to perform marriage with her, applicant uploaded her obscene video on the Instagram.

11. From perusal of the case diary, which was produced by learned AGA, it appears that during investigation in Parcha no. 23 of the case diary dated 27.08.2023 Investigating Officer after obtaining the CDR of the applicant noted that from the mobile number of the applicant, the obscene video of the victim was uploaded on the social media.

12. However, a specific defence has been taken by the applicant that the obscene video of the victim was uploaded by the Jitendra Yadav and in this regard chatting made between applicant and Jitendra Yadav has been annexed along with instant bail application but applicant failed to disclose the fact that how

Jitendra Yadav is connected with the victim or the applicant and how he procured the obscene video and photographs of the applicant and victim. Further, even till date the genuineness of the alleged chatting made between applicant and Jitendra, which has been annexed along with instant application, cannot be proved.

13. As, from the case diary, it reflects that applicant is the person, who uploaded the obscene video of the victim on the social media, prima facie, it appears that applicant under false promise of marriage sexually exploited the victim and thereafter uploaded her obscene video on the social media and thus he spoiled the life of the victim.

14. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

15. Accordingly, the instant bail application is rejected.

16. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

**Order Date :- 30.10.2023**

AK Pandey