

Court No. - 72

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 13109 of 2023

Applicant :- Vikas Sonkar

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Bharti Mishra

Counsel for Opposite Party :- G.A.,Dheeraj Kumar
Maurya,Narendra Kumar

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Heard Smt. Bharti Mishra, learned counsel for the applicant, Sri Narendra Kumar, learned counsel for the informant, Sri Amit Kumar, learned A.G.A. for the State and perused the material placed on record.
3. The present application for anticipatory bail has been filed for anticipatory bail in Case Crime No.0115 of 2023, under Sections 354A, 506, 376, 323 IPC and Section 66E of I.T. Act, Police Station Kapsethi, District Varanasi, during the pendency of trial.
4. As per the allegations in the FIR, the applicant and the informant are stated to be in love. The applicant used to outrage her modesty several times and entered into corporeal relationship with her. The applicant is stated to have video recorded the said act. Later on, he is stated to have snatched the mobile of the victim and taken away the sim card in it numbered 9044882896 and had sent the indecent photographs and videos to the relatives of the informant and had even made it viral on Instagram, Facebook and WhatsApp and even put them on the status of that number. All these things started after the marriage of the applicant as he insisted on continuing the said corporeal relationship with him and his friends.
5. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case. The victim is a consenting party and it is not possible for a person to snatch away the mobile number of the informant and make viral the said indecent photographs and videos. Why would he do so? Learned counsel has further stated that the allegations are false. The instant FIR is a counterblast to Complaint Case No.196 of 2019 instituted by the applicant against the family members of

the informant Sanjay Maurya and others. The instant FIR is just to coerce the applicant to enter into a compromise in the said complaint case. The applicant has no criminal antecedents except a case under Sections 323, 504 and 506 I.P.C. registered at Case Crime No.60 of 2019 at Police Station Kapsethi, Varanasi and the applicant is on bail in it.

6. Per contra, learned counsel for the informant and learned A.G.A. have opposed the anticipatory bail application and have stated that the act of the applicant is self-explanatory from the fact that he has retained the sim card of the informant and has misused it and has posted indecent video of the victim. Learned counsel for the informant has further stated that why would a girl post her own indecent video on social media. The prosecution story stands corroborated by the statement of the victim recorded under Section 164 Cr.P.C. The victim is 19 years old and the said corporeal relationship was going on for about three years, as such at that time she was minor and the applicant is not entitled for anticipatory bail.

7. After hearing learned counsel for the parties and taking into consideration the fact that the video of the victim has been made viral by the applicant on social media, I do not find it a fit case for grant of anticipatory bail to the applicant. The arguments tendered at Bar pertain to regular bail application and cannot be agitated at the stage of 438 Cr.P.C.

8. The present anticipatory bail application is hereby found devoid of merits and is accordingly **rejected**.

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

Order Date :- 07.12.2023

Ravi Kant

(Krishan Pahal, J.)