

Court No. - 69

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51512 of 2023

Applicant :- Shubham Vishwakarma

Opposite Party :- State of U.P.

Counsel for Applicant :- Vikas Srivastava, Ashok Kumar Yadav, Sachchida Nand Ojha

Counsel for Opposite Party :- G.A.

Hon'ble Samit Gopal, J.

1. List revised.
2. Heard Sri Vikas Srivastava, learned counsel for the applicant, Sri Bare Lal Bind, learned A.G.A. and perused the material on record.
3. This bail application under Section 439 of Code of Criminal Procedure has been filed by the applicant Shubham Vishwakarma, seeking enlargement on bail during trial in connection with Case Crime No. 468 of 2023, under Section 376, 506 IPC, registered at P.S. Dhoomanganj, District Prayagraj (District: Nagar (Commissioner Prayagraj)).
4. The F.I.R. of the matter was lodged on 01.5.2023 by the victim herself against the applicant and two other accused persons with the allegations of his recording a video while she was taking bath in a marriage ceremony then threatened her of making it viral and calling her on phone and committing rape upon her and also making it viral.
5. Learned counsel for the applicant argued that the applicant has been falsely implicated in the present case. It is argued that no such incident has taken place. The applicant is having no criminal history as stated in paragraph-12 and is in jail since 12.9.2023.
6. Per contra, learned AGA opposed the prayer for bail and argued that case of the applicant before the trial court was of video and photographs being intimate in nature, is available which was pleaded in the bail application filed before it which has also been addressed by the trial court while deciding the bail application of the applicant. It is argued that there is no such paragraph pleaded in the present bail application either accepting it and explaining it or denying it. It is argued that the

bail application of the applicant be rejected.

7. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant is named in the F.I.R. and there are allegations against him. On the own showing of the applicant before the trial court himself in the bail application, there is some video and photographs being intimate in nature available. On a pointed query to the learned counsel for the applicant, he submits that there is no disclosure and explanation or denial with regards to the same in the present bail application.

8. In view of the same, the bail application is rejected at this stage.

(Samit Gopal,J.)

Order Date :- 7.12.2023

Naresh