

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11458 of 2022

Applicant :- Jitendra Kumar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Adesh Kumar, Deepak Kumar, Jagat Pal Singh, Kapil Dev Srivastava, Manoj Kumar Gupta, Sudhir Kumar Rai

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sudhir Kumar Rai, the learned counsel for the applicant and Sri Anant Pratap Singh, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime no. 0164 of 2022, under Sections 452, 323, 506, 354-B I.P.C. and Section 67 of Information Technology Act, registered at Police Station Sohramau, District Unnao.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 21.07.2022 alleging that the applicant had taken nude photographs of the informant's daughter aged about 15 years and he had sent one such photograph on the informant's mobile on 16.07.2022.
4. In the affidavit filed in support of the bail application, it has been stated that the applicant is an innocent person, he has been falsely implicated in the present case and he has no criminal history.
5. In the statement of the victim recorded under Section 161 Cr.P.C. and 164 Cr.P.C, she reiterated the F.I.R version. The victim has stated that the applicant lives in her neighborhood, he got married in the year 2019, before getting married, he used to talk to the victim almost daily and they were boyfriend and girlfriend but after the applicant's marriage, they did not talk for some time but then again resumed talking.
6. Upon coming to know about this, the applicant's wife had abused the victim and then the victim stop talking to the applicant. Being annoyed from this, the

applicant came to the victim's house, forcibly took her nude photographs and sent the same on the mobile phone of the victim's father through Whatsapp.

7. The State has filed a counter affidavit opposing the bail application and a copy of the relevant extract of case diary annexed with the counter affidavit indicates that the victim's father has provided a printout of screenshot of his mobile phone in support of the allegation that the applicant had sent the victim's nude photograph to the mobile phone of her father through Whatsapp. The said photograph has been kept in a sealed cover and has been made a part of the case diary.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the conduct of the applicant in betraying the faith of a young girl, whom he himself claims to be in a relationship as a boyfriend, I am of the view that the aforesaid facts do not warrant exercise of discretion of this Court in favour of the applicant by enlarging the applicant on bail.

9. Accordingly, this bail application stands **rejected**.

(Subhash Vidyarthi,J.)

Order Date :- 21.11.2023
Preeti.