

**205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-40033-2017
Date of decision-24.11.2017**

Shivendra Prakash

...Petitioner

Vs.

State of U.T.Chandigarh and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajiv Sharma, Advocate
for the petitioner.

Mr. A.S.Sullar, Addl.PP, U.T.Chandigarh.

Respondent No.2/prosecutrix in person with
Mr. Naresh Jain, Advocate.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.273 dated 02.08.2017 registered under Section 376 of the Indian Penal Code at Police Station Sector-34, Chandigarh.

Learned counsel for the petitioner contends that in pursuance of the order dated 26.10.2017, the petitioner has joined the investigation.

Learned State counsel on instructions submits that the petitioner has joined the investigation, however, he is not cooperating. The mobile phone used in preparing of the obscene CD by the petitioner and testimonials of the prosecutrix are yet to be recovered.

Prosecutrix heard in person and she has stated that the photographs were forwarded on her cellphone by the petitioner and she further forwarded the same to her aunt who handed over those photographs to the police.

I have heard learned counsel for the parties and have gone through the case file.

Considering the serious and specific nature of accusation, the Court feels that no case for bail is made out at this stage. The Court has considerable apprehension that in case the petitioner is released on bail, there is every possibility of his misusing the concession of bail and thereby influencing the course of trial or tamper with the evidence.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

24.11.2017

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No