

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2955 OF 2018

Ashok Kumar Vedprakash Sharma	... Applicant
Vs.	
The State of Maharashtra	... Respondent

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Mr. N.V. Sawant for the applicant.
Mr. A.R. Kapadnis, APP for the Respondent-State.
Mr. Bodake, PSI, Gaondevi Police Station is present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 26th NOVEMBER, 2018.**

P.C.

1. The applicant is seeking bail in connection with C.R. No. 75 of 2018 registered with Gaondevi Police Station for the offence punishable under Section 354 D of Indian Penal Code and Section 12 of the POCSO Act read with Section 167 B of the Information Technology Act.

2. The prosecution case is that the victim was aged about 17 years and 9 months. She got acquainted with accused on social media viz Facebook. It is alleged that applicant has opened the Facebook account in the fake name of Riya Sharma. The accused become friendly with the victim and induced her to send objectionable photographs. The mother of the victim noticed that

the victim is chatting on her cell phone continuously. On account of suspicious, she checked the cell phone of the victim and it was noticed that the victim girl had chatted with the person named Riya Sharma who had induced her to send nude photographs and video and the same were sent by victim to Riya. During the course of investigation, it was revealed that the applicant had created the said account in fake name. The applicant was arrested on 2nd June, 2018.

3. Learned counsel for the applicant submitted that the offence under Section 354-D of Indian Penal Code is bailable in nature. Section 12 of POCSO Act is punishable upto three years. The offence under Section 67 of Information Technology Act is upto three years. The investigation is completed and chargesheet has been filed. It is submitted that it is not the case of the prosecution that the applicant had misused photographs and Video allegedly forwarded by the victim girl to the applicant on Facebook.

4. Learned APP submitted that the applicant is involved in serious crime by creating fake Facebook account with fake identify in the name of girl Riya Sharma. Applicant induced the victim to forward the objectionable photographs and video. Applicant is not permanent resident of Mumbai and he is resident of Haryana.

5. I have perused the First Information Report and the other documents. Investigation is completed and chargesheet is filed. Applicant is in custody from the date of arrest. The victim has purportedly forwarded her objectionable photographs and the video to the applicant/accused. It is not the case of the prosecution that applicant has circulated to those video or photographs to any person or misused the same. Applicant is in custody since 2nd June, 2018. Investigation is completed and the chargesheet has been filed. Considering the punishment provided to the said offence and the aforesaid circumstances, the applicant can be granted bail.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with C.R. No. 75 of 2018 registered with Gaondevi Police Station on furnishing PR bond in the sum of Rs.25,000/- with one or more local solvent sureties in the like amount;
- iii. Applicant is permitted to furnish cash security of Rs.25,000/- for a period of four weeks.
- iv. Applicant shall report the concerned police station once in a month on First Saturday of the month between 10 a.m. to 12 noon

till further order;

- v. Applicant shall furnish documents relating to his residence to the investigating officer after his release on bail;
- vi. Applicant shall not tamper with evidence;
- vii. Applicant shall attend the dates of hearing before the Trial Court, unless exempted by Court;
- viii. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)