

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1011 of 2021

- Ku. Sammi Yadav, D/o Bholaram Yadav, aged about 18 years, Occupation Labour, R/o Kotararoad, Raigarh, Tahsil and District Raigarh (CG)

---- Applicant

Versus

- The State of Chhattisgarh, Through The Station House Officer, Police of Police Station City Kotwali, Raigarh (CG)

---- Non-applicant

For Applicant : Mr. K. Ruparel, Advocate

For Non-applicant : Mr. Roshan Dubey, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

26/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to applicant as she apprehends her arrest in connection with Crime No.572/2021 registered at Police Station City Kotwali, Raigarh (CG) for commission of offence punishable under Section 67 (B) of the Information Technology Act.
2. Case of the prosecution, in brief, is that applicant uploaded porn video of a child from her mother's mobile phone using face-book account of her friend Aditi Mahant, as she was knowing password of her face-book account. The NCRB, Delhi forwarded complaint with regard to uploading of porn video based upon which FIR was registered and during the course of investigation, applicant has been made accused in this case.
3. Mr. K. Ruparel, learned counsel for applicant would submit that applicant, who is only 18 years old, belongs to labour class family. She has not uploaded any video in face-book intentionally. The mobile number by which porn video is

alleged to have been uploaded is not registered in the name of applicant, it is registered in name of applicant's mother and the same is used by her mother and other family members also. He further submits that as per statement of applicant's mother, applicant is studying in Class 10th, in case applicant is arrested and sent to jail, it will adversely affect her future. Hence she may be enlarged on anticipatory bail.

4. Mr. Roshan Dubey, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that based on complaint received from NCRB, Delhi, crime in question is registered and during the course of investigation, it was found that mobile phone from which video was uploaded is registered in the name of mother of applicant and according to her, it is her daughter i.e. applicant, who is using mobile phone. Hence, applicant is not entitled to be enlarged on anticipatory bail.
5. I have heard learned counsel for parties.
6. Taking into consideration the nature of allegations, facts and circumstances of case and the fact that applicant, who is 18 years old studying in Class 10th, without commenting anything on merits, I am inclined to grant benefit of anticipatory bail to applicant.
7. Accordingly, this anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with crime in question, she shall be released on anticipatory bail by the officer arresting her on her executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Arresting Officer. Applicant shall also abide by following conditions:
 - (i) that she shall make herself available for interrogation before Investigating Officer as and when required;
 - (ii) that she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted

with facts of case so as to dissuade him/her from disclosing such facts to Court or to any police officer;

- (iii) that she shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that she shall appear before the trial Court on each & every date given to him by said Court till disposal of trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-