

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

CRIMINAL BAIL APPLICATION NO. 1619 OF 2021

Raju Dubey

... Applicant

Versus

1. The State of Maharashtra
2. Nodal Cyber Police Station
Maharashtra Cyber, Mumbai.

... Respondents

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Mr. Charanjeet Chanderpal, Advocate for the Applicant.

Ms. Anamika Malhotra, APP for the Respondent No.1 – State.

Mr. Rajesh Sardesai, (P. I.) Nodal Cyber Police Station, Mumbai,
Present.

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CORAM : PRAKASH D. NAIK, J.

DATE : 26th APRIL, 2021

PER COURT:

1. This is an application for bail in connection with C.R. No. 02 of 2020 registered with Nodal Cyber Police Station, Maharashtra, for offence under Section 292 of Indian Penal Code (for short "IPC") r/w Section 67 and 67(A) of Information Technology Act, 2008 and Section 3 & 4 of Indecent Representation of Women (Prohibition) Act, 1986. The applicant was arrested on 31st March, 2021.

2. The complainant had alleged that some of the websites/online platforms were publishing obscene contents on internet,

hence, he tried to verify the same. The complainant noticed that online platforms i.e. Kooko, Ullu, Neuflix, Feneo, Flizmovies, Hotshot, Primeflix, Hotmasti etc. were publishing obscene videos on the websites. The complainant found that on website www.xvideos.com obscene videos of the co-accused were seen. The First Information Report (for short "FIR") was registered on 6th November, 2020.

3. The allegation against the applicant is that he is the cameraman. He has shoot the video wherein the actress has been picturized nude in bath tub applying chocolates on her body. It is alleged that this type of video cannot be said to be artistic or educational purpose. Such video is easily available on internet on a single click to any person irrespective of age. The intention of the accused is only to earn money.

4. Learned Advocate for the applicant submitted that, limited role is attributed to the applicant, he had acted as cameraman for shooting the video. He is not the person concerned with the websites or publishing the video. The applicant was arrested on 31st March, 2021. He was remanded to police custody and subsequently remanded to jail custody. The co-accused who had allegedly played vital role has been granted interim protection in their application preferred under Section 438 of Cr.PC. Further

detention of the applicant is not necessary.

5. Learned APP submitted that the applicant was cameraman. He has participated in the offence. Investigation is in progress.

6. The applicant is in custody from 31st March, 2021. The role attributed to the applicant is that he was a cameraman for video shoot. The camera belongs to the production house. The applicant was produced before the Court of Additional Chief Metropolitan Magistrate-37 Court Esplanade, Mumbai on 1st April, 2021. The learned Magistrate remanded the applicant to Police custody till 5th April, 2021. The order dated 1st April, 2021 mentions that the investigation is in progress. Custodial interrogation of the applicant is necessary. The applicant was thereafter again produced before the concerned Court. Subsequently, he was remanded to judicial custody. Considering the role attributed to the applicant further custody of the applicant is not necessary. Bail can be granted to the applicant with certain conditions. Hence, I pass the following order:-

ORDER

- (i) Criminal Bail Application No. 1619 of 2021 is allowed;
- (ii) The applicant is directed to be released on bail in connection with C.R. No. 2 of 2020 registered with Nodal Cyber Police Station, Maharashtra, on executing P.R. Bond in

the sum of Rs.25,000/- with one or more sureties in the like amount;

(iii) The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11:00 a.m. to 1:00 p.m. for a period of six months and thereafter, once in three months on first Saturday of the month between 11:00 a.m. to 1:00 p.m till filing of charge-sheet;

(iv) Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)