

CRM-M-55721-2023
Decided on: 12.03.2024

versus

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Mr. Navdeep Singh, DAG, Punjab.

Manjari Nehru Kaul, J. (Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.09 dated 18.01.2020 under Section 66(C) of Information Technology Act, 2000 (hereinafter referred to as 'IT Act) (Section 66 of IT Act was deleted and Section 67/67-A of IT Act was added later on) registered at Police Station City Jalalabad (W) District Fazilka.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the instant case; soon after the registration of FIR in question, the petitioner was enlarged on anticipatory bail by the trial Court. However, after more than two years of registration of FIR, the investigating agency had wrongly added offences under Section 67 and 67-A of the IT Act and thus, he has a genuine apprehension that he could now be arrested in the instant case. It has

been further submitted that it was in fact the complainant and her family, who wanted his marriage to be solemnized with the complainant, however, since his family refused to agree to the marriage proposal, a fabricated version had been brought forth against him in the FIR in question. Learned counsel submits that the petitioner is ready to join the investigation and cooperate with the investigating agency. The custodial interrogation of the petitioner in the aforementioned circumstances would not be thus, required.

3. Per contra, learned State counsel on being put on notice, has vehemently opposed the prayer and submissions made by learned counsel for the petitioner. Learned State counsel submits that serious and specific allegations have been levelled against the petitioner of having circulated obscene photographs/videos of the complainant on the social media besides extending threats of acid attack on her in case, she did not marry him. Learned State counsel has, on instructions, further submitted that no doubt, initially, the petitioner was extended the concession of anticipatory bail under Section 66 IT Act, however, after report was received from the Cyber Cell, offences under Section 67 and 67-A IT Act were added. Hence, a prayer has been made for dismissal of the instant petition.

4. Heard learned counsel for the parties and perused the relevant material on record.

5. As per the allegations levelled in the FIR, which has been annexed as Annexure P-1, the complainant aged about seventeen years and 10 months went to attend her maternal uncle's son's wedding where

the petitioner, who is also her cousin, purportedly took inappropriate photographs of her. Subsequently, the petitioner allegedly threatened to defame both her and her family by plastering those inappropriate pictures all over the village besides making them viral over the whatsapp; in addition, threats were also extended to the complainant of throwing acid on her face. The family of the complainant made many efforts to reason out with the petitioner as well as his family, however, in vain.

7. Undoubtedly, the initial FIR was lodged only under Section 66 IT Act, which is a bailable offence, however, there are specific and serious allegations against the petitioner of having circulated sexually explicit pictures/videos of the complainant on social media platforms, with the aim of coercing her into marriage. Moreover, during investigation, additional evidence linking the petitioner to the dissemination of sexually explicit material also surfaced, particularly, following the report received from the Cyber Cell regarding the data extracted from the mobile phone of the petitioner.

8. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

12.03.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No