

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 18815 of 2021

Applicant :- Manav Sharma@ Manish Sharma

Opposite Party :- State Of U.P

Counsel for Applicant :- Rajesh Kumar Verma

Counsel for Opposite Party :- G.A.

Hon'ble J.J. Munir,J.

This is an application for bail on behalf of the applicant Manav Sharma @ Manish Sharma in connection with Case Crime No. 20 of 2021, under Sections 376(1), 506 I.P.C. and Section 67-A Information Technology (Amendment) Act, 2008, Police Station Dhoomanganj, District Prayagraj.

Heard Mr. Rajesh Kumar Verma, learned counsel for the applicant and Mr. S.S.Tiwari, learned A.G.A. appearing for the State.

It has been emphatically made out by Mr. Rajesh Kumar Verma on behalf of the applicant that it is a case where the applicant and the prosecutrix were into a long relationship and after she went away to Russia in connection with her higher education, she disowned the relationship. He submits that the present prosecution is a move on the part of the prosecutrix and her family to put a curtain on the past relationship between the parties. He submits that for the present, the applicant has in no way threatened her or posted any offensive or intimate photographs or photographs of hers on the internet or the facebook. He has in no way brought pressure upon the prosecutrix or her family to force her into matrimony. It is submitted that the other allegations charging the applicant of offences punishable under Section 376(1), 506 I.P.C. and Section 67-A I.T. Act are all false. The allegation of rape is completely out of context given the long relationship between the parties.

The learned A.G.A. has opposed the prayer for bail and taken the Court through the material in the case diary including the statement of the prosecutrix recorded under Section 164 Cr.P.C.

A perusal of the entire material in the case diary indeed shows that though the parties were into a relationship at a certain point of time, the prosecutrix has withdrawn from it. But, the applicant has pursued her beyond the permissible limits of decency and into the forbidden territory of crime. He has *prima facie* ravished her and utilizing the obscene photographs that he has, he has posted them on the facebook.

This Court has summoned the case diary and looked into the evidence, particularly, to find out whether posting of obscene photographs are material available in the case diary. *Prima facie* the allegations appears to have force because materials in the case diary are there that show that obscene photographs of the applicant and the prosecutrix together have been posted on the facebook. There is also some kind of a C.D. where the applicant is shown threatening the prosecutrix with dire consequences. There, by his words, he has dared the law of not being in a position to save the prosecutrix unless she accepts his proposal. This kind of a conduct and the offence involved almost amounts to an anti social activity and a menace to the society.

Considering the overall facts and circumstances of the case, this Court does not find it to be a fit case for bail. The bail application is hereby **rejected**.

The case against the applicant, if not already committed, shall be committed within a period of 15 days next from the date of receipt of a copy of this order by the Chief Judicial Magistrate or the concerned Magistrate where those proceedings might be pending. The Trial Court concerned, if the case has been committed or the same is committed as directed, shall proceed with the trial expeditiously and endeavour to conclude the same within a period of six months next from the date of committal, if the case is not already before the trial Court. If it is, the period of six months would run from the date of receipt of a copy of this order by the Trial Court concerned. The learned Sessions Judge is directed to provide all necessary permission to the Trial Judge to proceed with the trial in this matter expeditiously.

The Station House Officer, Dhoomanganj, Prayagraj has appeared today in compliance with the order dated 30.06.2021. His personal appearance is exempted. He need not to appear any further.

Let this order be communicated to the Chief Judicial Magistrate, Allahabad or the Magistrate concerned wherever proceedings are pending, in the event of the case not being committed, through the learned Sessions Judge, Allahabad and also to the learned Sessions Judge, Allahabad by the Registrar (compliance) within **24 hours**.

Order Date :- 1.7.2021
Brijesh Maurya