

State Vs. Manish Kumar

Present : Mr. Sanjay Kumar, Advocate, counsel for the accused/
applicant
Sh. Satnam Singh, Additional PP for the State

Heard on the application for bail under Section 438 of CrPC
filed by the accused/ applicant, namely Manish Kumar son of Rajesh Kumar,
in the case bearing FIR No. 69 dated 06.05.2024, under Section 67-B of IT
Act, P.S. City South Moga, District Moga.

2. Notice of the application for bail was served upon the State and
record of the police was requisitioned.

3. In brief, the facts as emanate from the First Information Report
are as under:-

In connection with action on the Child Pornography Tipline number
126181112 received from MHA, Government of India, New Delhi, a
communication bearing diary No. 1567/S dated 13.07.2022 of the DSP
Cyber Crime, Moga with endorsement No.331-M-R-DSP/SPL dated
14.7.2022 and 4220 SCC dated 05.07.2022 Deputy Inspector General of
Police State Cyber Crime, Punjab, Phase-4, SAS Nagar, Mohali was
received, wherein, action was directed to be taken for uploading and sharing
the Child Pornography on social media platforms. As per the Tipline number,
mentioned above, suspect detail was Manish Kumar having facebook Id
[https://www.facebook.com/ 100019437042262](https://www.facebook.com/100019437042262) and I.P. Address of
uploading of the video 2409:4055:391:4a7a:5287:c09:7176:c4e1 dated
28.05.2022, 06:19:40 UTC and the mobile number upon accessing the IPDR
was 88475-21063. After thorough probe, present case FIR was registered
against the accused/applicant for illegally and unlawfully uploading the
video containing contents of child pornography upon social media platform
facebook.

4. I have heard the arguments addressed by both the parties.

5. Counsel for the accused/ applicant argued that the accused/applicant is innocent and he has been falsely implicated in the present case and he has not committed any offence, as alleged in the FIR. He further argued that nothing is to be recovered from him as the matter is based upon digital/ electronic evidence, which is already in possession of the police. He further argued that the accused/ applicant is ready to join the investigation. Thereby, a prayer for grant of pre-arrest bail was made.

6. On the other hand, Additional PP for the State prayed for dismissal of the application for bail.

7. I have considered the submissions from both the sides and have gone through the material on record.

8. ASI Lakhveer Singh has appeared and suffered a statement that the matter is based upon digital/ electronic evidence, which is already in possession of the police and that the custodial interrogation of the accused/applicant is not required, however, he may be directed to join the investigation.

9. In view thereof and the submissions made by counsel for the accused/ applicant, without making any observation upon the merit of the case, the accused/ applicant is directed to join the investigation before the next date of hearing and in the event of his doing so, he is ordered to be released on interim anticipatory bail to the satisfaction of the Investigating Officer/ Arresting Officer, subject to the conditions as enshrined under Section 438 (2) of CrPC.

10. Matter is adjourned to 24.5.2024, for which date record be also produced.

**Pronounced in open court
Dated 22.05.2024**

**(Sanjeev Kundi)
Additional Sessions Judge,
Moga.**

Sanjeev Kumar, Stenographer

(UID No. PB-0246)