

CNR No. MHCH01-00-0972-2022

Order below Exh. 9 dtd,
08.05.2024In
(Sessions Case No. 58/2022
(State Vs Lalsham))

The applicant has moved this application U/sec. 437 r/w sec. 439 of the Code of Criminal Procedure 1973 (hereinafter referred as “Cr.PC”) for grant of regular bail in connection with Crime No.30/2022 for the offences punishable under Sec. 376 (2)(n), 354-D, 500, 506 of the Indian Penal Code and Sec. 60 and 67-A of the Information Technology Act, registered with Bramhpuri Police Station.

2. The informant is married woman who had separated from her husband. She came in contact with the accused. The accused on the pretext of loving the informant, established sexual relation with her and also captured indecent photographs and videos of the prosecutrix. When the prosecutrix did not respond to the sexual flavours solicited by the accused, he made her indecent photographs and videos viral on Whatsapp group and hence, the FIR as mentioned *supra* came to be registered against the accused.

3. In the bail application filed on behalf of the accused it is submitted that he is languishing behind the bars, since last year. Though there are allegations that the accused had made obscene photographs of the prosecutrix viral, the charge-sheet would reveal that those photographs are not indecent or obscene. Considering the span of the detention of the accused behind the bar, it is submitted that he be enlarged on bail.

4. The learned APP has resisted the bail application on the ground that previous two three bail applications of the accused are rejected by the Sessions Court as well as Hon'ble High Court. There are no change in circumstances to reconsider the bail application. Hence, it is prayed that the bail application be rejected.

5. Heard learned advocate for both the sides. The learned advocate for the accused placed reliance on the observations in 1) **Vijay S/o. Prithwiraj Thakre -Vs. - State of Maharashtra**, 2) **Salma Salim Shaikh -Vs.- State of Maharashtra**, 3) **Jahir Mondal @ Jahir Mandal -Vs.- State**.

6. It is matter of record that this is third bail application of the accused. Apparently there are no change in circumstances to reconsider the bail application of the accused. Apart from this, *prima-facie* considering the charge-sheet before me and the heinous nature of allegations against the accused that he made the obscene photographs of the prosecutrix viral, I do not find it to be a fit case for grant of bail. Hence, I pass the following order.

:: ORDER ::

1.	Application Exh. 9 stands rejected.
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Chandrapur.
Date : 08/05/2024.

(A. D. Deo)
Addl. Sessions Judge/Spl. Judge
Chandrapur.