

**ORDER BELOW EXH.7**

1] This is second bail application filed by the accused u/s. 439 of Code of Criminal Procedure in connection with CR No. 135/2021 registered with Kondhwa police station for the offences under Sections 67(b) of the Information Technology Act and under Section 14(1) of the Protection of Children from Sexual Offences Act. [Hereinafter Information Technology Act referred to as "IT Act" and Protection of Children from Sexual Offences Act referred to as "POCSO Act" for the sake of brevity.]

2] The prosecution has filed say and opposed this bail application.

3] Heard Ld. Advocate for the accused and Ld. APP for the State. Perused application, say filed by the prosecution and the charge-sheet.

4] It is argued by Ld. Advocate for the accused that it is the case of the prosecution that from the mobile of the accused videos were uploaded and he has made emphasis on IP address. Mobile phone has been seized but sim card is not of the accused. Further he has submitted that now investigation has been completed and statements of the witnesses have been recorded. There is no prima facie evidence against the accused. There is no possibility of tampering the evidence. Hence, prayed for allowing the application.

5] Ld. Spl. P.P. has raised objection and urged that call details are there. On the Facebook account of Sonu Singh Rajput videos were uploaded. Nature of the offence is serious. The accused is permanent resident of Uttar Pradesh. Hence, prayed for rejection of

the application.

6] After perusal of the charge-sheet, it reveals that on 15.01.2021 complaint was received and accordingly, through NEMEC New Delhi Child Pornography/Rape/Gang Rape/Obscene content, confidential tip lines received to Nodal Officer, NCCRP Portal, Maharashtra Cyber Mumbai against present accused. It appears that prima facie from the facebook account of the accused, obscene content video of children has been uploaded and accordingly, profile URL and time has been searched and therefore, report has been filed by PSI Nitin Baburao Shinde.

7] It appears prima facie that there is material in respect of uploading of child pornography and mobile number 9325819327 seems to be of the present accused. CD and DVDs in respect of child pornography seems to be seized under panchanama and hash value has also been drawn vide panchanama. Perused statements of witnesses and details of SDR received in respect of mobile number of the accused. Thus, there is prima facie material against the accused showing his involvement in commission of the crime. Nature of the offence is serious. Further, it discloses that that accused is not permanent resident of Pune and he is from Uttar Pradesh. Possibility of his flee from justice cannot be ruled out and also there is every possibility of tampering the evidence, if he is released on bail.

8] In the facts and circumstances, considering punishment provided for the alleged offences and serious nature of the offences, it is not just and proper to release the accused on bail.

With this, I proceed to pass the following order:

**ORDER**

- 1] The application is rejected.
- 2] The bail application stands disposed of.

Pune.  
Date – 23/11/2021.

(S.P. Ponkshe)  
Addl. Sessions Judge, Pune.

“ I affirm that the contents of the P.D.F. File Judgment are same word for word as per original judgment.

Name of Steno	- Sau.S.V.Thakar (Steno G-1)
Court Name	- Smt. S. P. Ponkshe, Addl.Sessions Judge,Pune.
Date of Order	- 23.11.2021
Order dictated on	- 23.11.2021
Order transcribed on	- 23.11.2021
Order signed by P.O.	- 25.11.2021
Uploaded on	- 25.11.2021