

IN THE COURT OF A.D.J-VI CUM SPECIAL JUDGE-POCSO COURT-SUPAUL

Present: BRIJ KISHOR SINGH, A.D.J-VI CUM SPECIAL JUDGE-POCSO COURT-SUPAUL

A.B.A-653/2023
POCSO CASE-25/2023

VINOD KUMAR SHARMA vs. STATE (Through Informant)

- Learned Counsel For The petitioner/Accused—Shri Sanjay Kumar Singh, Adv.
- Learned Public Prosecutor ---Smt. Neelam Kumari, Spl. P.P.

● KISHANPUR P.S. CASE NO -66/2023
Under Sections- 323, 341, 342, 354B, 354D, 504, 506, 509/34 of I.P.C.
& Section-8 of POCSO Act

Serial No.	Date of order of proceeding	Order with signature of the court	Office action taken with date
1	2	3	4
	11-03-2024	<u>ORDER</u> The instant anticipatory bail petition has been filed by the petitioner/accused Vinod Kumar Sharma, who is apprehending his arrest, in connection with KISHANPUR P.S. CASE NO-66/2023 registered under Sections 323, 341, 342, 354B, 354D, 504, 506, 509/34 of I.P.C. & Section-8 of POCSO Act, copy of which has been served upon Learned Special Public Prosecutor. After hearing both sides through physical hearing, the case record is presented for order. The instant Case has been registered under aforesaid sections on the basis of typed Complaint petition of complainant (Victim), forwarded to the P.S. for registration of F.I.R. As per prosecution's case, " That the complainant/Victim used to reside in her village in order to look after her old ailing grand parents. The accused Vinod Kumar Sharma deals in photography - videography and online photo-video works of marriage & different functions. Vinod Kumar Sharma obtained mobile numbers of	

Serial No.	Date of order of proceeding		Office action taken with date
1	2		4

victim's father and other family members during his visits to victim's village, subsequently he created fake I.Ds through the mobile numbers of victim's father and other family members and thereafter he forwarded obscene messages regarding victim's character and her photos on facebook & whats-app. After making the victim's obscene contents on social media viral, accused Vinod Kumar Sharma started blackmailing victim. Accused Vinod Kumar Shama started harassing victim physically as well as mentally and also threatened victim and her relatives that, he shall make the victim's life hell, in case of any complaint against him. When victim' family members prevented Vinod Kumar Sharma from his harassing activities against victim, he continued spreading obscene materials against victim on social media, due to which Victim fell in depression and left her studies. On 22-08-2022 at about 8:00 PM, accused Vinod Kumar Sharma reached the house of complainant along with 3-4 unknown accused persons, used filthy language and attempted to carry away complainant/victim."

The learned counsel for petitioner has submitted that, "the petitioner is the named accused person in F.I.R, registered under Sections 323, 341, 342, 354B, 354D, 504, 506, 509/34 of I.P.C. & Section-8 of POCSO Act, thus the petitioner is apprehending his arrest in this case. Except this anticipatory bail petition, no any bail petition on behalf of petitioner has been filed either in this court or before the Hon'ble High Court, Patna, nor any bail petition is pending in any court. The petitioner/accused is absolutely innocent, committed no offence as alleged and has been falsely implicated in this case out of enmity, grudge, malice due to dirty village politics. The petitioner got no criminal antecedent. The petitioner works in Heena Engineering Works, Nagpur and he was present in Nagpur on the alleged date of occurrence. The instant petitioner has been roped in this case on the baseless assumptions. " Further learned Counsel for the petitioner prayed for the privilege of anticipatory bail

Serial No.	Date of order of proceeding		Office action taken with date
1	2		4

to the petitioner Vinod Kumar Sharma.

Per-contra, Learned Special Public Prosecutor, appearing for the State has vehemently opposed the anticipatory bail prayer of the accused, **Vinod Kumar Sharma** and submitted that, "petitioner is main accused of this case, who physically and mentally harassed the victim by making obscene material against victim/complainant. There is ample material available against petitioner & co-accused persons in the case diary, as such petitioner does not deserve the privilege of anticipatory bail." Learned Special Public Prosecutor prayed for the rejection of anticipatory bail application dated 03-05-2023 (pressed today), filed on behalf of petitioner/accused Vinod Kumar Sharma.

Heard the both sides and perused the entire case record, it appears that, "the petitioner is named accused of this case. As per contents of F.I.R, restatement of informant in para-09 of case diary, statement of witnesses in paras nos. 11, 12, 13 of case diary, the specific allegation of spreading victim's obscene photos & videos to victim's relatives and also on social media, has been levelled against petitioner. As per victim's statement recorded u/s 161 of Cr.P.C (Para-19 of case diary) as well as u/s 164 of Cr.P.C (Para-22 of the case diary), the victim has supported version of F.I.R. Victim has stated about sexual harassment by the petitioner through making viral her obscene photos & videos on social media. As per victim's statement recorded u/s 164 of Cr.P.C (Para-22 of case diary), she has also stated that, petitioner has attempted to abduct her and used to harass her physically and mentally by various methods. As per admit card of victim issued by Bihar school examination board Patna, as mentioned in Para-23 of the case diary, victim's date of birth has been mentioned as 17-12-2005, accordingly prima-facie victim was minor on the date of alleged occurrence. Considering the role of the petitioner in the manner of

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1	2		4

		alleged occurrence, this is not a fit case for anticipatory bail of petitioner. Under facts and circumstances of this case and on the basis of discussion made herein before, I am not persuaded to grant privilege of anticipatory bail to the petitioner Vinod Kumar Sharma, accordingly the anticipatory bail application/dated 03-05-2023 (Pressed to day), as filed by the petitioner Vinod Kumar Sharma is hereby rejected. BRIJ KISHOR SINGH Addl. District and Sessions Judge-VI cum Special Judge-Exclusive POCSO Court, Supaul	
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