

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No.4451 of 2022

Mrinal Kanti Mahapatra ... Petitioner
Versus
The State of Jharkhand & Anr. ... Opposite Parties

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. R.N. Chatterjee, Advocate
: Mr. Sheo Kr. Singh, Advocate
For the State : Mr. Shailendra Kr. Tiwari, Spl. P.P.
For the O.P. No.2 : Mr. Lukesh Kumar, Advocate

Order No.15 Dated- 01.09.2023

Heard the parties.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Cyber P.S. Case No.30 of 2021 corresponding to Jorapokhar P.S. Case No. 94 of 2021 registered under sections 420/354A/354B/504/506 of the Indian Penal Code and under Section 66(C)/66(D)/66(E) and 67 of the Information Technology Act.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner morphed obscene photograph of the daughter of the informant and posted the same on social media by making a forged I.D. It is also alleged that earlier also, he used to act in that similar manner. It is further submitted that the allegations against the petitioner are all false. It is then submitted that the petitioner undertakes to pay Rs.20,000/- to the informant without prejudice to his defence in this case and also undertakes to cooperate with the investigation of the case. It is next submitted that the petitioner also undertakes that he will not annoy or disturb the informant or her family members in any manner during the pendency of the case with further condition that he will not make any posting either through his own account or through any other account in any social media during the pendency of the case. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail.

Learned Spl. P.P. and the learned counsel for the informant opposes the prayer for grant of anticipatory bail.

Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioner be given the privilege of anticipatory bail. Hence, in the event of his arrest or surrender within a period of eight weeks from the date of this order, he shall be released on bail on depositing a demand draft of Rs.20,000/- drawn in favour of informant without prejudice to his defence in this case and on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge -II-cum-Special Judge (Vigilance, Cyber Crime, Electricity Act Cases), Dhanbad, in connection with Cyber P.S. Case No.30 of 2021 corresponding to Jorapokhar P.S. Case No. 94 of 2021 with the condition that the petitioner will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish his mobile number and a copy of his Aadhar Card in the court below with the undertaking that he will not change his mobile number during the pendency of the case with further condition that he will not annoy or disturb the informant or her family members in any manner during the pendency of the case with further condition that he will not make any posting either through his own account or through any other account in any social media during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.

In case, the petitioner deposits the aforesaid demand draft, the court below is directed to issue notice to the informant and hand over the said demand draft to her, after proper identification.

(Anil Kumar Choudhary, J.)

Sonu-Gunjan/