

Order Below Exh.1 in
Cri.B.Appln.No. 16/2022
(Crime No. I-95/2021)

Shri Banarasi Ganesh Dube Vs. State.

Heard: Ld.Adv. Mr. P. N. Tajanpure for the applicant.
Ld. A.P.P. Smt. S. S. Sangale for the State.

1. This is an application under section 439 of the Code of Criminal Procedure in Crime No. I-95/2021 registered at Upnagar Police Station Nashik for the offence punishable under Section 354(d) of the Indian Penal Code, 1860 and Sections 67(A) & 67(B) of the Information Technology Act. It is the case of prosecution in brief that the applicant/accused No. 2 along with accused No. 1 prepared a fake face-book account and made the victim send her nude photographs and video's and thereafter tried to blackmail her.

2. Learned Advocate for the applicant Mr. P. N. Tajanpure has submitted that the only role of the applicant/accused No. 2 is that the I.P. address from which the face-book account was made as well as the dongle used in preparing the said account belonged to him. He should therefore be released on bail.

3. Per contra, Ld. A.P.P. Smt. S. S. Sangale has opposed the application on the ground that there is *prima-facie* case against the applicant. The very fact that his dongle was used to prepare the fake account speaks volumes about his role, in as much as the dongle cannot be operated without the

password and without the consent of the dongle owner. He was thus equally hand-in-glove with the accused No. 1. Investigation is in progress and charge-sheet is yet to be filed. If the applicant is released on bail, there are chances of his tampering with the prosecution witnesses.

4. Perusal of the case diary reveals *prima-facie* involvement of the applicant in the offence. The very fact that his dongle was used to prepare the fake account speaks volumes about his role, in as much as the dongle cannot be operated without the password and without the consent of the dongle owner. He was thus equally hand-in-glove with the accused No. 1. Investigation is in progress and charge-sheet is yet to be filed. Therefore, apprehension of the Ld. A.P.P. that if the applicant is released on bail, there are chances of his tampering with the prosecution witnesses, is also well-founded. In view of the foregoing discussion, I am inclined to reject the application.

ORDER

Application stands rejected.

Order is dictated & pronounced in open court.

Nashik
11/01/2022

Mridula Bhatia
District Judge-2 and Additional
Sessions Judge, Nashik.