

Court No. - 68

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 16769 of 2024

Applicant :- Mohan

Opposite Party :- State of U.P.

Counsel for Applicant :- Arun Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Krishan Pahal,J.

1. List has been revised.
2. Counter affidavit filed by learned A.G.A. is taken on record.
3. Heard Sri Arun Kumar Tripathi, learned counsel for applicant and Sri R.P. Patel, learned A.G.A. for the State.
4. The present bail application has been filed by the applicant in Case Crime No.13 of 2024, under Sections 376, 354 (C) IPC and Section 67 I.T. Act, Police Station Jarcha, District Gautam Budh Nagar with the prayer to enlarge him on bail.
5. As per prosecution story, at the time of bathing of the victim, the applicant is stated to have video recorded it and blackmailed her, as such established physical relationship with her by taking her in OYO room by threatening her to make the said video viral. Despite her persistent requests, the applicant did not delete the said video. The applicant is stated to have again video recorded the said act of physical relationship with the victim, thus continued the said act.
6. Learned counsel for the applicant has stated that he has been falsely implicated in the present case. The FIR is delayed as such cannot be relied upon. The victim and the applicant are both married persons and had extra-marital relations with each other. The victim demanded money from the applicant, as such has falsely implicated the applicant. It is a case of honey-trap, as such the instant FIR has been instituted to fetch money. Learned counsel has further stated that there is no video on record to suggest that the applicant has committed the said act.
7. It is further argued that even there is no forensic report to corroborate the prosecution story. There is no criminal history of the applicant. The applicant is in jail since 17.01.2024.
8. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that the applicant has kept the video

in his mobile and kept on harassing the victim and had blackmailed her and established physical relationship with victim out of the said threat. The said video has been recovered from the mobile of the applicant, as such the prosecution story stands fortified.

9. After hearing learned counsel for the parties and taking into consideration the fact that the video has been recovered from the mobile of the applicant and has been sent for forensic analysis, I do not find it a fit case for grant of bail to the applicant.

10. The bail application is found devoid of merits and is, accordingly, **rejected**.

11. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Apex Court in the cases of **Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220** and **Hussain and Another vs. Union of India; (2017) 5 SCC 702**, if there is no legal impediment.

12. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

13. After this order was passed, learned counsel for the applicant kept on arguing his case and is adamant that the case of the applicant is of bail.

14. He has stated that he did not argue the case in detail as he thought that bail was being granted. He has further stated that there are ample contradictions in the statement of the victim recorded under Section 164 Cr.P.C. The victim has refused to get herself medically examined. Material contradiction in her statement to be taken into consideration is that she has stated that her video while taking bath was recorded about one month back. Learned counsel has further stated that the said relationship between the two was going on for about six months. The age of the victim is 27 years as per the record. Learned counsel has further stated that he is complying with his honourous duty to represent his client as such he was arguing at length. It is a clear-cut case of bail.

15. Justice underscores the dual responsibilities of Advocates in a Court of Law. While they must diligently represent and look after the interests of their clients, they also have an onerous

duty to maintain a respectful and conducive environment in the courtroom. Advocates should assist the Court rather than cause disruptions, ensuring that the proceedings are orderly and respectful, which ultimately upholds the dignity of the judicial process.

16. The counsel for the applicant not only continued to argue the case after the order had been passed in open Court but also caused a disturbance and disrupted the proceedings. This behavior is considered criminal contempt of Court, as it undermines the authority and decorum of the judicial process, but this Court is desisting from initiating contempt proceedings. No litigant is permitted to interfere in the proceedings of the Court after passing of the order.

17. The said attitude of the counsel for the applicant is deprecated and a cost of Rs.10,000/- is imposed to be deposited in the account of High Court Legal Services Authority, within a period of 15 days from today.

Order Date :- 2.7.2024

Ravi/-

(Justice Krishan Pahal)