
(2024) 08 UK CK 0020

Uttarakhand High Court

Case No: Second Bail Application No. 354 Of 2023

Gopal Sharma @ Kapil Sharma

APPELLANT

Vs

State Of Uttarakhand

RESPONDENT

Date of Decision: Aug. 1, 2024

Acts Referred:

- Indian Penal Code, 1860 - Section 354C, 354D, 376, 506, 509
- Information Technology Act, 2000 - Section 67

Hon'ble Judges: Ravindra Maithani, J

Bench: Single Bench

Advocate: Manisha Bhandari, Manisha Rana Singh

Final Decision: Allowed

Judgement

Ravindra Maithani, J

1. Applicant is in judicial custody in FIR No.1 of 2021, under Section 354D, 376, 506, 509 IPC and Section 67 of the Information Technology Act,

2000 (the IT Act), Police Station Revenue Chwoki, Chando, Kalsi, District Dehradun. He has sought his release on bail.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, the applicant visited the house of the informant and their families settled for marriage. Both the informant and the applicant

started talking over telephone. Once, according to the FIR, the applicant visited the village of the informant to attend the marriage ceremony and there

he established physical relationship and made a video clip also. Initially, the applicant introduced himself as an Army personnel, but it was revealed that

he was not in Army. Therefore, the informant and her family members declined for the marriage. The applicant insisted for continuation of the

relationship, to which the informant was not agreeable. Therefore, the FIR records that the applicant made the video clippings viral.

4. Learned counsel for the applicant would submit that allegation of physical relation has been made for the period when they both were engaged and

their marriage has been fixed. For the offences under Sections 354-C, 354-D and Section 67 of the IT Act, it is argued that maximum punishment is

three years and the applicant had already undergone more than three years in custody. He is in custody since 11.07.2021.

6. These factual aspects are agreed to learned State counsel.

7. Having considered, this Court is of the view that it is a case fit for bail and the applicant deserves to be enlarged on bail.

8. The bail application is allowed.

9. Let the applicant be released on bail, on his executing a personal bond and furnishing two reliable sureties, each of the like amount, to the

satisfaction of the court concerned.