

IN THE HIGH COURT OF BOMBAY AT GOA.

(LD-VC-BA-60/2020)

Lysander Monteiro

...Applicant

Vs

The State and anr.

...Respondents

Shri G. Agni, Advocates for the applicant.

Shri P. Faldessai, Addl. Public Prosecutor for the respondents.

Coram:- DAMA SESHADRI NAIDU, J.

Date:22nd October 2020.

PC.

The applicant is the sole accused in Crime No.13/2020, registered by Cyber Crime Police Station. The alleged offence attracts sections 66 and 67 of the Information and Technology Act, besides section 8 (2) of Goa Children's Court Act, 2003. He was arrested on 7.10.2020 and sent in judicial remand.

2. The police investigation reveals that the applicant, who is a 19 years old student, displayed the pictures of two women on his Instagram account, one of them being a minor. By morphing the images, he depicted one of the women obscenely. That morphing concerns the major woman.

3. Unsuccessful before the trial Court in securing the regular bail, the applicant has filed this application under Section 439 of Cr PC before this Court.

4. Shri Gaurish Agni, the learned counsel for the applicant, submits that the applicant, a student, is innocent. According to him, the police have

completed the investigation save the formality of filing the charge-sheet. Keeping in view the age of the applicant and his future, this Court may, Shri Agni urges, enlarge him on bail with conditions.

5. On the other hand Shri Pravin Faldessai, the learned Additional Public Prosecutor, contends that the offence is grave and it involves women. According to him, the Court may take a strict view of the crime and refuse the bail.

6. Heard Shri Gaurish Agni, the learned counsel for the applicant, and Shri Pravin Faldessai, the learned Additional Public Prosecutor.

7. Indeed, the offence is grave. Nevertheless, one of the mitigating factors is that though uploaded Instagram picture allegedly depicts two women, the minor has not been exposed to any indecency. And it seems the police have completed a substantial part of the investigation, as the crime is essentially a matter of electronic record.

8. As contended by Shri Agni, the applicant is a teenager with no criminal antecedents. The chance of his interfering with the remaining course of the investigation or threatening the witnesses appears minimal.

9. Under these circumstances, I reckon it is a fit case for the Court to enlarge the applicant on bail subject to these conditions:

ORDER

- (i) The applicant is directed to be released on bail on his executing P.R Bond for Rs.30,000/- and on his furnishing two sureties, each for the like sum, to the satisfaction of the learned President Children's Court Panaji.

- (ii) The applicant should not leave the State of Goa, without prior permission of the learned President Children's Court, Panaji.
- (iii) The applicant shall attend the hearing of the case on the dates fixed by the trial Court.
- (iv) The applicant shall not influence, induce, threaten, or coerce the witness; nor should he abuse the process.
- (v) The applicant's failure to abide by these conditions will entail the prosecution to apply for the cancellation of bail now granted to the applicant.
- (vi) The Bail Application stands allowed.

DAMA SESHADRI NAIDU, J.

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