

State v. Vishal Sudhirkumar Jha  
FIR No. 01/22  
PS Special Cell  
U/s 153A/153B/354A/509 IPC  
& 66/67 IT Act

22.01.2022

Present: Sh. Irfan Ahmed, Ld. Addl. PP for State through VC.  
Sh. Shivam Deshmukh, Ld. Counsel for applicant through VC.  
Sh. Sarim Naved, Ld. Counsel for complainant through VC.  
Insp. Hansraj Swami through VC.

Proceedings done through video conferencing.

It is certified that link was working properly and no grievance was agitated by either of the counsel in this regard.

Present is an application moved on behalf of applicant Vishal Sudhirkumar Jha for grant of anticipatory bail. It is submitted that applicant, a resident of Bihar, is a student of engineering and is presently staying in a hostel at Karnataka. It is submitted that as per the case of the prosecution, the complainant, who is a journalist by profession, lodged the instant FIR on 01.01.2022 as her doctored picture in lewd manner was displayed in bullibai.github.io in order to defame her. It is submitted that another FIR bearing no. 01/22 was registered at Mumbai against the creator of Bulli Bai app and users of @bullibai, @sageox11, @hmmachaniceoki, @jattkhalsa7 and as per the allegations, applicant is alleged to be the user of twitter handle by the name @hmmachaniceoki and also one of the followers of Bulli Bai on twitter. It is submitted that applicant has been falsely implicated in the present case as he has nothing to do with the alleged offence. It is submitted that applicant has no role to play in the creation of the alleged app and even if for the sake of arguments, it is presumed that applicant was following the Bullibai app, then this in no manner constitutes an offence.

It is submitted that present applicant himself surrendered before the office of Cyber Crime (BKC) Western Division, Mumbai on 04.01.2022 upon service of notice u/s 41(a) CrPC but on 10.01.2022, he was tested positive and subsequently, he was remanded to judicial custody on 10.01.2022. It is further submitted that all his electronic devices i.e. his mobile phone, laptop and two sim cards are already in possession of the investigating agency and hence there are no chances of applicant tampering with the evidence. It is submitted that applicant is apprehending his arrest in the present case, it is thus prayed that he may be granted anticipatory bail on any term or condition imposed by this court.

In support of his submissions, Ld. Counsel has placed reliance upon the judgment in the matter of *Jonathan Nitin Brady v. State of West Bengal (2008) 8SCC 660* and *Alnesh Akil Somji v. State of Maharashtra 2021 SCC OnLine Bom 5276*.

Ld. Addl. PP has vehemently opposed the bail application arguing that accused Niraj Bishnoi and many other including the present applicant are all members of Group Chat 'Trad Mahasabha' and as a result of discussion in said group chat, the alleged app on github was created by accused Niraj Bishnoi. It is submitted that present applicant had created a fake identity over Twitter by the name of @Hmmechaniceoki and had joined the group chat through this fake twitter handles. It is further submitted that present accused alongwith co-accused Mayank Rawat and Shweta Singh have already been arrested by Mumbai police who were having twitter handles @wannabesigmaf and @jattkhalsa7 and were also member of the group chat and they were also followers of Niraj Bishnoi twitter handle @bullibai\_. It is submitted that investigation is at initial stage and he needs to be interrogated who is in judicial custody in Mumbai case for which a team has already been sent to Mumbai. It is submitted that a request letter has already been sent to DCP, Crime, Mumbai to provide documents/evidence against three accused persons arrested in CR No. 01/22 of Mumbai.

It is informed by concerned DCP that instant FIR is anterior in point of time to the FIR registered at Mumbai.

Heard.

Accused Neeraj Bishnoi in cahoots with the applicant and other co-accused persons has developed the scandalous bullibai app. The conduct of the accused persons in the instant case is against the ever cherished constitutional ethos of secularism and fraternity ensuring the dignity of any individual and modesty of a woman. The allegations levelled against the applicant are serious in nature.

The reliance placed upon the judgment of hon'ble Apex Court in *Jonathan Nitin Brady v. State of West Bengal (supra)* is also misplaced as in that case, the aspersions were not serious in nature and were more of jocular characteristics. Furthermore, the victim therein has clarified that he did not find the remarks to be derogatory and accused has also tendered unconditional apology. However, in the case at hand, the allegations against the applicant are graver in nature as it is a direct onslaught upon the dignity and modesty of the woman of a particular community. I concur with the Ld. Addl. PP that to unravel the obscure and undetected aspects of the crime, sustained custodial interrogation of the applicant is desirable.

Considering the totality of circumstances, I do not find any merits in the application at hand and the same is accordingly dismissed.

Application is disposed off accordingly.

Copy of the order be given dasti.

**DHARMEN** Digitally signed by  
DHARMENDER RANA  
**DER RANA** Date: 2022.01.22  
13:51:09 +05'30'

(Dharmender Rana)  
ASJ-02, NDD/PHC/New Delhi  
22.01.2022