

**Court of Sessions Judge, West Singhbhum at Chaibasa
Bail Petition No.159/2020**

CNR-JHCB010006982020

Serial No.	Date of order of proceeding	Order with the signature of the Court	Office action taken with date
	30.05.2020	<p>Petitioners (1) Badshah Khan @ Injemamul Haque and (2) Rahmat Ali, are accused in connection with Majhgaon P.S.Case No.11/2020 dated 15.05.2020, U/s 354(A), 509 of the I.P.C. and 67(A), 67(B) of Information Technology Act, pending in the Court of A.C.J.M., Chaibasa <i>is heard through mobile Video Conferencing due to the lock-down of Covid-19</i>. Accused persons are in custody.</p> <p>Heard Sri S. Daripa, learned counsel appearing on behalf of the petitioners and the learned P.P.I/c for the State.</p> <p>Learned counsel for the petitioners has submitted that petitioners are absolutely innocent and have committed no offence whatsoever rather they have been falsely implicated in this case by the informant due to grudge and dispute. It is further submitted that the allegations made in the seizure are false, belated and concocted, it appears that on the basis of vague allegation the petitioners have been remanded in this case. IT is further submitted that petitioners are teen-aged boys, aged about 20 years and as per the allegations leveled in the F.I.R. abusive language was used by them, hence maximum a case u/s 509 I.P.C. is made out against them,</p>	

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	Contd...1. 30.05.2020	<p>which is bailable in nature. It is further submitted that there is no any sexually remarks were made by the petitioners, hence the alleged offences of I.T. Act is also not made out against them. Petitioners are ready and willing to abide the conditions as laid down u/s 439 Cr.P.C and being a permanent resident of their village there is no chance of their absconding or tampering with the evidence. Petitioners are ready to furnish bail of good and sufficient sureties to the satisfaction of the ld. Court, if enlarged on bail.</p> <p>On the other hand, learned P.P.-I/c has vehemently opposed the prayer for bail of the petitioners and submitted that petitioners are named in the F.I.R., and during investigation I.O. has arrested the owner of the mobile namely, Badshah Khan @ Injemamul Haque and from his possession seized the mobile bearing No.7644819021 and prepared its seizure list accordingly. Thereafter the I.O. has proceeded to the house of owner of mobile No. 7546827633, namely Rahmat Ali, arrested him and from his possession recovered mobile carrying dwell SIM bearing No. 7488972667 and 7546827633 and accordingly seizure list</p>	

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	Contd...2. 30.05.2020	<p>was prepared, mentioned at para- 12 and 16 of the case diary. The I.O. has also recorded the confessional statements of the petitioners mentioned at para-14 and 17 of the case diary. The I.O. has also recorded the re-statement of informant and statement of other witnesses u/s 161 Cr.P.C. who have fully supported the case of prosecution and stated that during the lock-down due to Covid-19, the Class-wise whatsapp groups were prepared by the School Administration for studying purpose of the students and in the said groups students and teachers (male and female) were added through their respective mobile numbers. On 15.05.2020, the Maths teacher, namely, Bikas Bhol and Ranjita Kanta Kindo observed and informed that on 14.05.2020 an Admin of Whatsapp No.7546827633 started a New Whatsapp Group, namely Mia Khalifa in which Admin of 7546827633 had added number of students and teachers (male and female) and transmitted obscene messages and videos. Observing the same, the students and teachers(male and female) removed themselves from that group. In that group Admin of No.7546827633 and 7644819021 were</p>	

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	Contd...3. 30.05.2020	<p>sending obscene messages and videos. After one day, one more number 7061299485 was also made group admin and after short span of time, students identified the group whatsapp number 7546827633 as admin Rahmat Ali and Whatsapp No. 7644819021, group admin Injemamul Haque @ Badshah Khan. Thereafter, Rahmat Ali and Injemamul Haque @ Badshah Khan created a new group, namely, Loya Group (an obscene word in Oriya language) and they also started creating and publishing obscene messages amongst the students(male and female) in which about 60% of female students, who are minor. The print-out of screen shot of obscene messages are attached with the written report. The two petitioners are alumni of this school. Students and teachers tried to restrain the two petitioners for sending the obscene messages, but petitioners pay no heed. This fact is mentioned at para-2,5,6,7,8,9 of the case diary.</p> <p>Perused the case record, as well as case diary and other materials available on record, it appears that informant, who is Headmaster-in-charge of Rajkiyakrit +2 High School, Majhgaon has lodged a written report before O.C. Majhgaon</p>	

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	Contd...4. 30.05.2020	<p>Police Station with regard to an Admin Group. It is alleged that during lock-down of Covid-19, the study work was going on through Whatsapp by making educational groups of the School Students(male and female) and teachers(male and female), but out of this group one of the person has made a new group and by using the said group he has added the students and teachers (male and female) and started publishing and transmitting obscene messages and video in the whatsapp group of the students and teachers(male and female) in that group the Admin name and number was disclosed in the written report as Badshah Khan, Mobile No. 7644819021, Firoj Gope, Mobile No. 7061299485 and Rt Sbht Forever, Mobile No. 7546827633 and the Group name is Mia Khalifa. Hence, this case.</p> <p>It appears that petitioners are named in the F.I.R. and there is specific and direct allegation against the petitioners that they along with co-accused have created a new admin whatsapp group through their mobile phones and added the students and teachers of educational whatsapp group of Rajkiykrit +2 High School, Majhgaon, being alumni of the</p>	

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	Contd...5. 30.05.2020	<p>School, they have created and transmitted the obscene messages and videos in the educational whatsapp group knowingly and intentionally, in which 60% of students were minor females. During investigation the I.O. has arrested the owner of the mobile namely, Badshah Khan @ Injemamul Haque and from his possession seized the mobile bearing No.7644819021 and prepared its seizure list accordingly. Thereafter the I.O. has proceeded to the house of owner of mobile No. 7546827633, namely Rahmat Ali, arrested him and from his possession recovered mobile carrying dwell SIM bearing No. 7488972667 and 7546827633 and accordingly seizure list was prepared, mentioned at para- 12 and 16 of the case diary. The I.O. has also recorded the re-statement of informant and statement of other witnesses u/s 161 Cr.P.C. who have fully supported the case of prosecution. Petitioners are the owner of the seiuzed mobile numbers bearing 7546827633 and 7644819021, and boht the mobile were recovered from the possession of petitioners respectively, mentioned at para-2,5,6,7,8,9 of the case diary.</p> <p>In this case charge-sheet has not been submitted</p>	

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	Contd...6. 30.05.2020	<p>against the petitioners and investigation is still going on.</p> <p>Having regard to the facts and circumstances of the case and in view of the allegations against the petitioners, coupled with materials available on record, I am not inclined to enlarge the petitioners on bail, which stand rejected.</p> <p style="text-align: right;">(Dictated)</p> <p style="text-align: right;">(Manoranjan Kavi) Sessions Judge</p>	