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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ BAIL APPLN.938/2020, CrI.M. (B) No.6306/2020,CrI.M.A.
No.6542/2020
ROSHINI BISWAS Petitioner

Through: Mr. Anunaya Mehta, Mr. Akshaydeep
Singhal, Ms. Mallika Bhatia, Mr.
Divyansh Rahi and Ms. Bhawna
Sharma, Advocates

versus

GOVT. OF NCT OF DELHI& ANR. Respondents
Through: Mr. M.P. Singh Additional Public
Prosecutor for the State.
Mr. Tanveer Ahmed Mir, with
S.Mukherjee Advocate for
Respondent No.2

CORAM:
HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **19.05.2020**

**CrI.M.A. No.6542/2020 (under Section 482 Cr.P.C. for exemption
from filing attested affidavit of applicant, and for paying court
fee)**

1. The application is allowed subject to the applicant/petitioner
filing duly affirmed affidavit(s) alongwith the court fees/deficit court
fees, if any, within 72 hours from the date of resumption of the regular
functioning of this court.

2. The application is disposed of.

BAIL APPLN.938/2020& CrI.M. (B) No.6306/2020 (Interim bail)

1. By this application filed under Section 438 read with Section 482

Cr. P.C., the applicant seeks transit anticipatory bail in P.S. Case No.97 dated 13.05.2020, registered under Sections 153A/295A/500/504/505/120B IPC read with Section 66 of the I.T. Act and Section 54 of the Disaster Management Act, at Police Station Ballygunge, Kolkata, West Bengal.

2. At the very outset, Mr. Anunaya Mehta, learned counsel for the applicant submits that he has not received a copy of the FIR and requests for supply of the same. Mr. Tanveer Ahmed Mir, learned counsel for respondent No. 2 states that the same shall be supplied to him through email as soon as the email id is shared by Mr. Mehta.

3. Learned counsel for the applicant submits that the applicant was earlier residing in West Bengal and had shifted to New Delhi only about a year ago and that on 10.05.2020, she had received a call from an Officer of Kolkata Police P.S. Ballygunge in relation to a complaint against her. It is contended that the applicant gathered that she was being connected with some social media post criticizing the West Bengal Government and its policies, and in relation to which a criminal complaint had allegedly been made to the police by a sitting MLA of the ruling Party (Trinamool Congress) on the basis of which an FIR had been registered against the applicant, the contents of which were unknown to her, as she had received only a notice U/s 41 Cr. PC. It was because the elderly Uncle and married sister of the applicant were being threatened and harassed by the Kolkata police, demanding the presence of the applicant immediately, despite the pandemic and lockdown across the country, that the present application was moved to seek protection.

4. The learned counsel for the applicant informs that the applicant has since received a fresh notice u/s 41 Cr.PC dated 18.05.2020 through e-mail, requiring her to present herself before the police on 18.06.2020. Mr. Tanveer Ahmed Mir, learned counsel for respondent No.2 affirms it to be so. In this scenario, the learned counsel for the applicant prays that the application may be disposed of granting protection to the applicant from arrest as she feared that the Kolkata police may arrest her either at Delhi or when she appears before them. Mr. Tanveer Ahmed Mir however, submitted that such fears were not justified.

5. In view of the subsequent events as set out above, the bail applications are disposed of granting an opportunity to the applicant to move an appropriate application before the appropriate court in Kolkata, as advised, before the 18th June 2020 and it is presumed that the respondent No.2 will not take any precipitative action against the applicant in the interregnum.

ASHA MENON, J

MAY 19, 2020

pkb