

19.12.2023
(D/L 6)
Ct. No.29
Rejected
(SKB)

CRM (A) 3394 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Ranaghat Women P.S. Case No.48 of 2023 dated 25.04.2023 under Section 376 of the Indian Penal Code and Section 6 of the POCSO Act and Sections 66E/67/67A/67B of the Information Technology Act, 2000.

In the matter of : Sudipta Barai

... Petitioner

Ms. Sananda Bhattacharyya

... for the petitioner

Mr. Saibal Bapuli, Id. APP

Mr. Arani Bhattacharyya

... for the State

Mr. Sumanta Das,

Mr. Partha Pratim Sinha

... for the defacto complainant

1. Heard learned counsel for the parties.
2. Admittedly, there was a consensual romantic relationship between the petitioner, who is a young adult and the victim who is an adolescent aged about 17 years 7 months.
3. From the report submitted by the IO through Mr. Bapuli, learned counsel for the State in court today, it is found that one objectionable video of the victim and one objectionable video of the victim and the petitioner have been uploaded in social media.

4. Learned counsel for the petitioner submits that the mobile phone of the petitioner has not been seized and he is not instrumental in uploading the videos.
5. From the materials on report, we find that the video was a private transaction between the petitioner and the victim. The victim must not have uploaded the video in the social media for the sake of her self-preservation at least, if she would have uploaded videos, she would not have made strong objection to such a fact in this petition.
6. We are of the considered view that though it is a case of romantic relationship, the alleged act of the petitioner in uploading the video in social media without the consent of the victim is quite serious and it has very negative impact in the society so far as name, fame and privacy of the victim is concerned.
7. Regarding being had to the seriousness to the charge, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.
8. Accordingly, the prayer for anticipatory bail is rejected.
5. CRM(A) 3394 of 2023 is dismissed.
6. Interim protection as granted by this court on 19th September, 2023 stands recalled.

(Chitta Ranjan Dash, J.)

(Ajay Kumar Gupta, J.)