

20.08.2024
Sl No.08
Court No.29
TN
(Allowed)

CRM (A) 2676 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Bidhannagar North Police Station Case No.128 of 2024 dated 18.07.2024 under Section 69 of the Bharatiya Nyay Sanhita, 2023.

And

In the matter of : **Dharen Chandra Ray**

.... petitioner

Mr. Apalak Basu,
Mr. Akash Ganguly

....for the petitioner

Mr. Soham Banerjee

....for the *de facto* complainant

Mr. Antarikhya Basu,
Ms. Pinky Sarkar

... for the State

1. The learned counsel for the petitioner submits that the petitioner has a love relationship with the *de facto* complainant and he has been falsely implicated.
2. The learned counsel for the *de facto* complainant and the State submit that the petitioner is a government servant and presently attached to the Kolkata Police.
3. The petitioner taking advantage of the relationship had taken photographs and it appears from the statement of the victim recorded under Section 164 of the Code of Criminal Procedure that such private photographs have been made viral and also

being sent from the mobile of the petitioner to the *de facto* complainant.

4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and that in the FIR, there is no allegation *per se* with regard to the private photographs being made viral and that the petitioner is willing to surrender the mobile, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, the petitioner is directed to surrender the mobile without deleting any photographs and tampering with it by tomorrow and accordingly, we direct that in the event of arrest, the petitioner, namely, **Dharen Chandra Ray** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023.
6. The petitioner shall meet the Investigating Officer once in a week till submission of the final report.
7. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate at Bidhannagar within two weeks from date and pray for regular bail.
8. Accordingly, the application for anticipatory bail is disposed of.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)