

07.
Court
No.29

23.12.2024

(Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3009 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Mahashtala P.S. Case No. 289/2024, dated 08.06.2024.

And

In the matter of: - **Shyam Kumar Choudhury @ Vicky Choudhury**

...petitioner.

Mr. Rajdeep Majumder, Sr. Adv.
Mr. Gouranga Kr. Das
Mr. Rajendra Banerjee
Mr. Srikanta Paul
Mr. Bhaskar Bhattacharya
Mr. Sagar Saha
Mr. Soumya Raha
Mr. Goutam Sardar
Mr. Gautam Malik

...for the petitioner.

Ms. Anasuya Sinha, APP
Mr. Samrajit Balial

...for the State.

Mr. Soumya Nag
Mr. Aditya Tiwari

...for the *de facto* complainant/victim.

Dictated by Partha Sarathi Sen, J.

1.
- At the very outset our attention has been drawn to the order dated December 19, 2024. In course of hearing, on behalf of the State some print outs of social media posts, as alleged to have been uploaded by the accused person, has been placed before us in a sealed envelope. On

perusal of the materials as placed by the State, it appears that the allegation, as made out in the FIR and as has been recorded in paragraph 3 of the last order dated December 19, 2024, is found to be prominent, at least *prima facie*.

2. In course of hearing, learned Advocate for the petitioner submits before this Court that the present accused petitioner is languishing in Judicial Custody for more than six months and investigation has already been completed. He also submits that in the charge-sheet there is no allegation of violation of the Information Technology Act, 2000.
3. The further submission on behalf of the petitioner is that the petitioner's mobile phone was never used for the alleged uploading of the incriminating material as well as obscene photographs, which has been disputed on behalf of the State.
4. Prayer for bail is opposed on behalf of the State.
5. On perusal of the entire materials as placed before us, we find sufficient incriminating materials against the present accused petitioner, at least *prima facie*. It is reported by the State that the vulnerable witnesses are yet to be examined in full.
6. Considering such circumstances and also considering the fact that in the event the present application for bail is allowed, that may hamper the progress of the trial.

Accordingly, we are not inclined to entertain the petitioner's prayer for bail. Hence, the prayer for bail is rejected.

7. The application for bail being CRM (DB) 3009 of 2024 is accordingly dismissed.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)