

07.11.2024
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SG
[ALLOWED]

C. R. M. (A) 3702 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chandannagar Police Station Case No. 167 of 2024 dated 12.09.2024 under Sections 126(2)/75/78(2)/79(2)/351(3) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: Vivekananda Sengupta

... .. Petitioner

Mr. Nitankar Dutta Banik,
Mr. Dipjyoti Chakraborty.

... .. for the petitioner

Ms. Shaila Afrin,
Ms. Manasi Roy.

... .. for the State

1. Petitioner contends the allegation of harassing the victim lady and/or stalking her via electronic means are out and out false. He prays for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record including the statement of the victim. Keeping in mind the facts of the case, we are of the opinion though custodial interrogation may not be necessary, petitioner's access to the victim physically and/or electronically requires to be restricted in order to prevent commission of similar offences.
4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.
5. Accordingly, we direct in the event of arrest, the petitioner viz., Vivekananda Sengupta be released on bail upon

furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition petitioner while on bail shall not meet the victim physically or access her electronically or otherwise until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)