

09.12.2024
Sl. No.39
akd
[ALLOWED]

C. R. M. (A) 4146 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 22.11.2024 in connection with Raninagar Police Station Case No.689 of 2024 dated 14.11.2024 under Sections 64(1)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.5674 of 2024)

And

In Re: **Sarowar Jaman & Anr.**

... .. Petitioners

Mr. Mrityunjoy Chatterjee
Mrs. Suchismita Chakraborty
Mr. Debapriya Majumder

... .. for the petitioners

Mr. Tapodip Gupta

... .. for the de-facto complainant

Mr. Debasish Roy .. Id. Public Prosecutor
Mr. Arijit Ganguly
Mr. Koushik Kundu

... .. for the State

1. It is submitted on behalf of the petitioners there was a romantic relationship between petitioner no.1 and the victim lady. Subsequently, the relationship soured and they have been falsely implicated. Petitioner no.2 is the father of petitioner no.1. Accordingly, they pray for anticipatory bail.
2. Learned Public Prosecutor opposes the prayer for anticipatory bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail. He submits petitioner no.1 had videographed intimate moments with the victim.
4. We have considered the materials on record. Statement of the victim shows a friendship developed between herself and petitioner no.1 on a social media platform. Petitioner no.1 took her to his residence and administered stupefying substance in her drink. Thereafter she was

raped. However, victim is silent with regard to the date of occurrence. It is contended petitioner no.1 had threatened to upload intimate videos. However, no electronic evidence with regard to intimate videos being uploaded had been placed on record. Under such circumstances, we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.

5. Accordingly, we direct in the event of arrest, the petitioners, namely, **(1) Sarowar Jaman & (2) Nuruzzaman @ Nurujjaman**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 that petitioner no.1 shall meet the Investigating Officer once in a week until further orders. He shall hand over electronic devices belonging to him or in his custody for investigation and/or forensic analysis. Petitioners 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.)