

07.04.2025
Sl. No.03
Ct. 28
Allowed
NB

C.R.M. (A) 1109 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Beldanga P. S. Case No.119 of 2025 dated 02.03.2025 under Sections 69/351(2) of the Bharatiya Nyay Sanhita, 2023 pending before the Chief Judicial Magistrate, Berhampore, Murshidabad.

In the matter of : Suraj Kumar Dutta @ Suraj Dutta @ Suroj Datta
... Petitioner.

Mr. Somnath Adhikary.
...for the petitioner.

Ms. Subhasree Patel,
Mr. Sanjida Sultana.
...for the State.

Affidavit of service filed on behalf of the petitioner is taken on record. Let the same be kept in a sealed cover.

Learned senior counsel representing the petitioner submits as follows. There is a delay of about one month in lodging the FIR. The petitioner and the victim had an extra marital relationship. After divorce of the victim, she wanted to marry the petitioner. There is a long-standing relationship between the two.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail, relies on the case diary and submits as follows. From the statement of the victim recorded before the learned Magistrate, it appears that there was a long-standing relationship between the two. However, there is an allegation that

the petitioner is threatening that he would publish the intimate photographs between the two in social media.

In view of the nature of allegations, the materials available in the case diary and a long-standing relationship between the victim and the petitioner, I do not think that custodial interrogation of the petitioner would be required in this case.

In the event of arrest, the petitioner shall be released upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also be 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that he shall meet with the Investigating Officer once a fortnight and shall not publish any private photograph or message of the petitioner in the social media.

The application for anticipatory bail being **CRM(A) 1109 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)

