

23.04.2025
Court No.28
Item No.32
tbsr
Allowed

CRM (A) 1284 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Jhargram Women** P.S. Case No.**11 of 2025** dated **11.02.2025** under Sections **69/318(4)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Sri Manmath Giri @ Sri Manmatha Giri**

....Petitioner.

Mr. D. K. Adhikari

Ms. Manasi Das

...for the petitioner.

Mr. Bitasok Banerjee

Mr. Abhishek Verma

.....for the State.

Mr. Joy Chakraborty

Mr. Sandip Dinda

...for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. Section 69 of the BNS would not apply as the victim was admittedly a married lady. Even there are no ingredients of 318(4) of the said BNS. The petitioner had not made any photograph or video of the alleged victim.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail and submits that the petitioner had made videography of certain intimate moments.

Learned counsel appearing on behalf of the State refers to the statement of the victim recorded before the learned Magistrate.

In view of the fact that the petitioner is admittedly a married lady and there was some kind of relationship between the victim and the

petitioner for some time, I do not find that custodial interrogation of the petitioner is required in this case.

In the event of arrest, the petitioner 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 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 BNSS, 2023 and on further condition that the petitioner shall co-operate with investigation and if asked to do so, hand over his mobile phone to the Investigating Officer and to meet the Investigating Officer once a week till the submission of report in final form and shall not threaten or intimidate witnesses and shall not upload photograph or video, if any, of the victim in the social media or anywhere else.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)