

AD 335
July 28, 2025
Ct. 28
SG

Allowed

CRM(A) 2629 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kolkata Cyber P.S. Case No.38 of 2025 dated 28.06.2025 under Sections 352/353(1)(b)/353(1)(c)/353(2)/61(2)/196(1) of the BNS, 2023.

And

In the matter of:

Ujjwal Pareek

... *petitioner*

Mr. Sourav Chatterjee, Sr. Ad.
Mr. Satadru Lahiri
Ms. Kanchan Jaju

... for the petitioner

Mr. Ranadeb Sengupta
Ms. Eshita Dutta

... for the State

Learned senior counsel representing the petitioner submits that a portion of an FIR lodged in respect of an unfortunate crime in the city was uploaded in a post in the social media. The present petitioner, who is a functionary of the opposition political party of the State, has been needlessly entangled in a false case. There is nothing objectionable whatsoever in the post in question. The petitioner is covered by the decisions of the Hon'ble the Apex Court in *Balwant Singh and another vs. State of Punjab*, reported at (1995) 3 SCC 214, *Manzar Sayeed Khan vs. State of Maharashtra and another*, reported at (2007) 5 SCC 1, *Bilal Ahmed Kaloo vs. State of A.P.*, reported at (1997) 7 SCC 431 and *Patricia Mukhim vs. State of Meghalaya and others*, reported at (2021) 15 SCC 35.

Learned counsel for the State denies the allegations, opposes the application for anticipatory bail and submits that a prima facie

case is made out as would be evident from a plain reading of the FIR. More damaging was the second part of the post alluding to a communal angle. The investigation is at a nascent stage.

Considering the nature of allegations and the materials available in the case diary, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to allow the application for anticipatory bail.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) 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 the further conditions that the petitioner shall cooperate with the investigation, the petitioner shall meet the investigating officer once within the coming three weeks from this date upon due notice being issued by the investigating officer in this regard and thereafter, attend any further query of the investigating officer via video conference as and when required and the petitioner shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)