

25.08.2025
Item No.11
Ct. No. 446
RP
Rejected

C.R.M.(A) 2777 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.
And

In the matter of : Bittu Singh

..... petitioner

Mr. Satyendra Agarwal
Mr. Ravi Ranjan Kumar
Mr. Goutam Malik
....for the petitioner

Mr. Sanjay Bardhan
Mr. Ejaz Akhtar
....for the State

1. Report submitted on behalf of the prosecution in compliance with the direction passed by this Court on 12th August, 2025 is taken on record.
2. Learned advocate representing the prosecution submits that CCTV footage and DVR have been seized from the shop of the present petitioner and those have been sent for examination in order to ascertain whether the CCTV footage is genuine or has been tampered with. He further submits that during the course of investigation Section 61(2) of BNS has been added.

3. Learned advocate representing the petitioner on the other hand submits that his presence in the shop room is primarily established and, more so, previously he was also implicated in connection with similar nature of offence along with Sections 8/12 of POCSO Act and by virtue of the order dated 14th August, 2019 passed in CRM 7358 of 2019 his prayer for anticipatory bail under Section 438 Criminal Procedure Code was considered.
4. Heard the submission. On careful perusal of the materials available in case diary and considering the entire facts and circumstances of the case it appears that the allegation levelled against the present petitioner is serious in nature. Pursuant to submission advanced on behalf of the petitioner DVR of the petitioner's shop room has already been seized but the veracity of such CCTV footage is required to be ascertained by the appropriate authority. Moreover, the earlier order of anticipatory bail also shows that the petitioner is having criminal antecedents. Therefore, in view of the above facts and circumstances and the relevant consideration for granting anticipatory bail which are the nature and seriousness of the proposed charges, a reasonable probability of the presence of the applicant not secured at the time of trial, a reasonable apprehension that the witnesses will be

tampered and the antecedents of the applicant, this Court is unable to extend the benefit of Section 483 of BNSS at this stage when investigation is still going on.

5. In the result, the prayer for anticipatory bail is rejected.

(Chaitali Chatterjee (Das), J.)