

C. R. M. (A) 4393 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 05.12.2024 in connection with Krishnagar Women's Police Station Case No.107 of 2024 dated 20.11.2024 under Sections 329(4)/69/77/351(2)/351(3)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: ***Sanam Aktar***

... .. Petitioner

Mr. Ashok Das
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Sreyash Mondal
Ms. Hasi Jana

... .. for the petitioner

Ms. Alvina Bakhteyar

... .. for the de-facto complainant

Mr. Binay Kumar Panda
Ms. Debadrita Mondal

... .. for the State

1. Report is placed on record. From the report it is noted the victim lady disclosed to the Investigating Agency that a different obscene video had been sent to the petitioner and the video found in the mobile phone of the petitioner was not that video. But she claimed to be the lady in the obscene video found in the petitioner's mobile phone. However, she was unable to explain how the video was sent to the petitioner's mobile phone by one Raja or the identity of the account holder viz. '*Laboni Jaan*' with whom there are exchanges at the foot of the said video.
2. In light of the aforesaid circumstances, we are of the opinion prosecution has not been able to establish whether the obscene video found in the petitioner's mobile phone was generated and knowingly circulated by him to others.

3. In this backdrop, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary and he may be granted anticipatory bail however, subject to strict conditions.

4. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, ***Sanam Aktar***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 the petitioner shall not enter Kaliaganj and Bethuadahari police stations until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

5. The application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)