

ADSL 2
May 20, 2026
Ct. 28
SG

Allowed

CRM(A) 1323 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jiaganj P.S. Case No.16 of 2026 dated 10.01.2026 under Section 69 of the BNS, 2023.

And

In the matter of: Bishal Upadhyay @ Upadhyay ... *petitioner*

Mr. Md. G.N. Imrohi
Mr. Partha Pratim Sinha

... for the petitioner

Mr. Tapodip Gupta

... Amicus

Affidavit of service filed earlier shows that notice was served.

No one appears on behalf of the de facto complainant.

Learned counsel for the petitioner submits that there was a romantic relationship between the petitioner and the alleged victim. Both were adults. After the relationship turned sour, the FIR was lodged.

Learned Amicus, assisting the State, relies on the case diary and opposes the prayer for anticipatory bail. He also relies on the statement of the victim recorded before the learned Magistrate, the statements of witnesses and the medico legal examination report. He submits that the two were in a physical relationship for some time, but the petitioner refused to marry the victim in the end. He allegedly made certain intimate videos viral.

At this stage, learned counsel for the petitioner submits that the petitioner would voluntarily hand over his mobile phone to the investigating officer for seizure within a week from this date.

Considering the above, the other materials available in the case diary and the fact that there was some kind of relationship between the two adults for a particular length of time, I am inclined to grant anticipatory bail to the petitioner.

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, shall meet the investigating officer once a week till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Personal appearance of the investigating officer is noted and is dispensed with.

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

(Jay Sengupta, J.)