

11.08.2022

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Ct. No. 29

**KAUSHIK**

Allowed

**C.R.M.(A) 3853 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Cyber** Police Station Case No. **56** of **2022** dated **03.05.2022** under Sections 66E/67/67A of the Information Technology Act read with Sections 292/34 of the Indian Penal Code, 1860.

And

In Re : Ranadhir Roy

..... petitioner

Mr. Kallol Mondal

Mr. Arindam Seu

Mr. Samit Bhanja

....for the petitioner

Mr. Rudradipta Nandy

Ms. Sonali Das

Ms. Sreeparna Das

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. He submits that the petitioner is a director of a film by the name of 'Poison', where the de-facto complainant acted. The de-facto complainant was paid her remuneration for acting in the film. Thereafter, since the film attained popularity, the de-facto complainant wanted further amount from the petitioner. He submits that, there are audio clippings of the conversation between the petitioner and the de-facto complainant, which is in the possession of the petitioner to the effect of the de-facto complainant demanding more money from the petitioner. The police complaint was filed

subsequent to the petitioner to pay the demand of the de-facto complainant.

Learned advocate appearing for the State draws the attention of the Court to the statement of the de-facto complainant recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) as also to the 161 Cr.P.C. statement of the cameraman. He submits that, offensive materials were uploaded by the petitioner on the social media platform. The de-facto complainant did not agree to the uploading of all the scenes that the de-facto complainant acted in respect of the film uploaded in the social media platform by the petitioner. Moreover, it transpires from the statement of the cameraman that the petitioner is uploading similar kind of materials on the social media platform for others also.

There is a delay of one and half years from the date of the incident till the lodgment of the First Information Report (FIR). The de-facto complainant acted in a film. Such film was uploaded on the social media platform. Petitioner is the director of such film.

The claim of the de-facto complainant is that she did not agree to upload all the scenes that she acted and uploaded in the social media platform is an issue of fact, which should be ideally adjudicated at the time of trial, if raised.

At this stage, it is apparent that the de-facto complainant acted in a film directed by the petitioner. Such film was uploaded in the social media platform.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that 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, 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 and on further condition that the petitioner shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**

