

ITEM NO.14

COURT NO.6

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 6210/2023

(Arising out of impugned final judgment and order dated 04-05-2023
in AB No. 1556/2023 passed by the Gauhati High Court)

B.V. SRINIVAS

Petitioner(s)

VERSUS

THE STATE OF ASSAM

Respondent(s)

(FOR ADMISSION and I.R. and IA No.99142/2023-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT)

Date : 17-05-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)

Dr. Abhishek Manu Singhvi, Sr. Adv.
Mr. Devadatt Kamat, Sr. Adv.
Mr. Rajesh Inamdar, Adv.
Mr. Amit Bhandari, Adv.
Mr. Pai Amit, AOR
Mr. Nishant Patil, Adv.
Mr. Roopesh Singh Bhadauria, Adv.
Mr. Revant Solanki, Adv.
Mr. Harsh Pandey, Adv.
Ms. Anya Singh, Adv.
Mr. Mareesh P. Sahai, Adv.
Mr. Anubhav Kumar, Adv.

For Respondent(s)

Mr. Shailesh Madiyal, Adv.
Mr. Mahesh Thakur, AOR
Mr. Vinayaka S. Pandit, Adv.

Ms. Divija Mahajan, Adv.
Mrs. Geetanjali Bedi, Adv.
Mr. Rajan Parmar, Adv.
Mr. Akshay Kumar, Adv.
Ms. Shivani, Adv.

Mr. S.V. Raju, A.S.G.
Mr. Nalin Kohli, Sr. A.A.G.
Mr. Shuvodeep Roy, AOR
Mr. Aastik Dhingra, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Ankit Bhatia, Adv.
Mr. Harsh Paul, Adv.
Ms. Nimisha Menon, Adv.
Mr. Sai Shashank, Adv.
Mr. Deepayan Dutta, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The High Court has rejected the application for anticipatory bail. Hence, the present special leave petition.
2. We have heard Dr. Abhishek Manu Singhvi, learned Senior Counsel appearing for the petitioner and Mr. S.V. Raju, learned Additional Solicitor General for the respondent-State and Mr. Shailesh Madiyal, learned counsel appearing for the complainant.
3. Issue notice, returnable on 10.07.2023.
4. Though arguments on merits have been advanced at length, we do not propose to consider the same. It is a settled position of law right from the judgment of this Court in the case of Niranjan Singh and Anr. Vs. Prabhakar Rajaram Kharote and Ors., reported in (1980) 2 SCC 559, that a detailed

elaboration of evidence at the stage of grant or rejection of application for bail/anticipatory bail has to be avoided inasmuch as the same has an effect on the rights of the parties at the trial.

5. As such, we are only referring to the bare minimum facts and dates for considering the present application.

6. The present petitioner as well as the complainant belong to a particular political party.

7. The petitioner is the President of the All-India Youth Wing of the said political party, whereas the complainant till December, 2022 was the President of the Assam Youth Wing of the said political party.

8. The incident about which the complaint is alleged is said to have happened between 24.02.2023 to 26.02.2023 at Raipur.

9. The perusal of the paperbook would reveal that various tweets have been made on social media by the complainant against some of the office-bearers of the Youth Wing of the political party to which she belongs. The tenor of the tweets is that she has been continually harassed and discriminated on the ground of her gender. The tweets also said the leadership has turned deaf ears despite the same being pointed out.

10. In the tweets as well as the interviews which the complainant has given to the various media agencies upto 18.04.2023, there is not even a whisper about the allegation

which would attract the provisions of Section 354 of the Indian Penal Code, 1860 ("IPC" for short). It is only in the FIR which is lodged on 19.04.2023, the allegation with regard to Section 354 of the IPC surface for the first time.

11. We have also perused the statement of the complainant recorded under Section 164 of the Code of Criminal Procedure, 1973, which has been so graciously placed before us by the prosecution. We do not wish to comment anything about the same at this stage inasmuch as it may again have effect on the rights of the parties at the trial.

12. *Prima facie*, taking into consideration the delay of almost two months in lodging the FIR, in our view, the petitioner is entitled to the interim protection.

13. We, therefore, direct that in the event of arrest in connection with P.S. Case No. 692/2023, the petitioner shall be released on anticipatory bail on furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or more sureties in the like amount.

14. The petitioner shall initially report to the Investigating Officer on 22.05.2023 and, thereafter, as and when called upon to do so. The petitioner is also directed to cooperate with the investigation agency.

15. We further direct the petitioner to cooperate with the inquiry being conducted by the National Commission for Women.

16. We clarify that the observations made hereinabove are only for the consideration of *ad interim* protection and will not weigh with the trial court at the stage of trial and also at the stage of final hearing of the present petition.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)