

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 5971 of 2025**

Vijay Kumar Srivastav @ Vijay Kumar Srivastava, aged about 42 years, S/o Ram Sanehi Lal, R/o C/o Ram Sanehi Lal, RZ-46/47, South Ex Part-1, Uttam Nagar West, VTC: Uttam Nagar, P.O. D.K. Mohan Garden, P.S. Mohan Garden, Sub District- Dwarka, District- West Delhi, Delhi-110059, UID No. 8168 3646 9190 **... Petitioner**

-Versus-

1. State of Jharkhand
2. Informant

... **Opposite Parties**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mrs. Bharti V. Kaushal, Advocate
For the State : Mr. Shailendra Kumar Tiwari, Spl.P.P.
For the Informant : Mr. Amit Kumar Das, Advocate
Ms. Amrita Banerjee, Advocate
Ms. Nutan Singh, Advocate

06/21.01.2026 Heard Mrs. Bharti V. Kaushal, learned counsel appearing for the petitioner, Mr. Shailendra Kumar Tiwari, learned counsel appearing for the State and Mr. Amit Kumar Das, learned counsel appearing for the informant.

2. The petitioner is apprehending his arrest in connection with Cyber P.S. Case No.14/2025, registered for the offence under Sections 75, 76, 77, 78, 79, 314, 318(2), 318(4), 336(3), 338, 356(2), 351(2), 308(2) of the BNS, 2023 and under Sections 66C, 66D, 67, 67A of Information Technology Act, 2000, pending in the Court of the learned Additional Judicial Commissioner-II cum Special Judge, Cyber Crime, Ranchi.

3. Mrs. Bharti V. Kaushal, learned counsel appearing for the petitioner submits that the petitioner is absolutely innocent and has not committed any offence as alleged. She further submits that the FIR has been filed only to put the petitioner under pressure so as to compel him to bow down to the unreasonable demands of the informant. She then submits that there is abnormal delay in lodging the FIR. According to her, the facts have been

suppressed by the informant by filing the FIR. She next submits that the informant was in an extra-marital consensual relationship with the petitioner since past 3 years and the petitioner moved to Delhi from Ranchi for his work, which was not like by the informant and due to some personal grudges and grievances against the petitioner, the informant in connivance with her husband and family members has tried to implead the petitioner and his family members in a false case only to feed their ego. She also submits that the petitioner met with the informant at Frankfinn Institute of Air Hostess and Trainiing, Lalpur, Ranchi in October, 2021 where he was working as Center Account Head (Accountant) and in due course of time, they developed a close bond as has also been admitted in the FIR. She submits that the relationship was consensual between the informant and the petitioner, which is evident from the Whatsapp communication and photographs. She further submits that the petitioner did not have any social media profile of the informant and he had not posted any morphed photographs or any objectionable photographs of the informant. She then submits that in light of the relationship, they used to go for vacation together and even both were helping each other financially. She submits that the petitioner has transferred sum of Rs.4,00,000/- in the account of the informant and the informant has alleged that she has given Rs.1,10,000/- to the petitioner, which is completely false and misleading. She next submits that the allegation for forcefully entering into the hotel room at Delhi, is not correct, however, the petitioner and informant, both travel on the same flight and the hotel stay was also booked for 6 days jointly. She submits that false allegations are made against the petitioner. The petitioner is a married person. She also draws attention of

the Court to the contents of the FIR and Whatsapp chat, contained in Annexure-2 as well as the bank transaction, boarding passes and the documents related to hotel booking. She further submits that the petitioner and informant, both were jointly operating the account and the informant has also password. In these backgrounds, she submits that what has happened between them, that was consensual in nature and false allegations are made against the petitioner and, as such, the anticipatory bail may kindly be provided to the petitioner.

4. Mr. Shailendra Kumar Tiwari, learned counsel appearing for the State opposed the prayer for anticipatory bail and submits that in the investigation, many things have revealed which are against the petitioner. By way of referring para 32 of the case diary, he submits that the petitioner has misused Instagram account of the informant on 02.11.2024 and 12.11.2024. By way of referring paras 36 and 38 of the case diary, he submits that mobile number of the petitioner has been used in making the e-mail accounts. He further submits that even after registration of the FIR, the petitioner presented bad image of the informant by sending objectionable photograph to the mobile number of the Vice-Chancellor, where the informant further joined her work, which has come in para 41 of the case diary. He then submits that there is no doubt that the petitioner and informant, both were in an extra-marital affair, however, the petitioner has violated the right of privacy of the informant. He next submits that the petitioner has also threatened the informant and tried to forbid the informant not to work in Amity University. He draws attention of the Court to para 6 of the case diary and submits that the statement of one independent witness has been recorded under Section 180

of the Bharatiya Nagrik Suraksha Sanhita, 2023 and that witness has supported the case of the informant and he has also stated about threatening made by the petitioner. He also submits that the allegations are also there of demand of Rs.25,00,000/- or to take divorce from her husband, otherwise, the petitioner will circulate obscene photographs of the informant and that has also been stated by the independent witness in para 6 of the case diary. He further submits that obscene photographs of the informant have been sent to the mobile of the said person. On these grounds, he submits that there are direct materials against the petitioner and, as such, the anticipatory bail may not be provided to the petitioner.

5. Mr. Amit Kumar Das, learned counsel appearing for the informant vehemently opposed the prayer for anticipatory bail and submits that the Whatsapp chat has been brought on record by way of filing counter-affidavit. By way of referring some of the contents of the said chat, he submits that what has been written there, that is very disturbing. He further submits that even unparliamentary words have been used in conversation with the informant by the petitioner. He then submits that what has been revealed in the investigation, that has already been disclosed in the arguments of the learned counsel appearing for the State.

6. In view of the above submissions of the learned counsel for the parties, the Court has gone through the materials on record including the Whatsapp chat, from where, it transpires that the petitioner and informant, both were in relationship. They even exchanged money whenever they were in need of the same. In the counter affidavit filed by the informant, the complaint filed by the informant in the Cyber police station, Ranchi, dated 30.11.2024 has

been annexed as Annexure-C Series and after that the petitioner on 17.12.2024 and 02.01.2025 created a fake mail account in the name of Siddharthloveu@gmail.com and sent mail containing irrelevant and defamatory messages and photographs of the informant to the Vice-Chancellor and other employees of Amity University with an intention to blackmail her and also to defame her everywhere so that the informant lose her job for the act of the petitioner. It has also been stated that fake Instagram account of the informant was also created by the petitioner on 15.01.2025, wherein, the obscene photos were uploaded and friend request was sent to her relatives, friends etc. without any consent of the informant and this fact has also come in para 32 of the case diary that the mobile number of the petitioner has been used in creating the said account.

7. In paras 36 and 38 of the case diary, it has been revealed that the mobile number of the petitioner has been used in making the e-mail accounts. Even after registration of the FIR, the petitioner presented bad image of the informant by sending objectionable photographs to the mobile number of the Vice-Chancellor, where the informant further joined her work, which has come in para 41 of the case diary.

8. One Amit Kumar Gupta has been examined as independent witness and in para 6 of the case diary, he has stated that obscene photographs have been sent to him. He has also stated that Rs.25,00,000/- has been demanded and divorce was asked to be taken by the informant and threatening was made that obscene photographs of the informant will be sent and uploaded on the social media.

9. In the aforesaid background and what has been revealed in the

investigation, it is evident that the petitioner's conduct transcended the boundaries of a mere friendship. The relationship between the informant and petitioner cannot be termed as a "friendship simpliciter" wherein financial assistance was extended by one friend to another. Instead, it *prima facie* appears that the petitioner has exploited the relationship under the guise of a social media account. If a person is in friendship, it does not entitle one party to exploit the other's vulnerability or dignity.

10. Assertions to the effect that the informant, being a married woman, was mature and intelligent enough to understand the significance and consequences of her action, is a specious argument that cannot absolve the petitioner of the allegations levelled against him. Admittedly, initially both of them had become friends, and the informant had never hidden from him that she was married and he himself had entered into friendship and relationship with her, sexual or otherwise, and had financially helped her. To now unilaterally blame it on the informant that since she was already a married woman, it was she who was on the wrong side of law, will be unacceptable.

11. In the investigation, it has been revealed that the mobile phone of the petitioner was being used in creating social media accounts.

12. It is trite law that the power to grant anticipatory bail under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023 is extraordinary in nature and is to be exercised sparingly. Thus, anticipatory bail cannot be granted in a routine manner. The Hon'ble Supreme Court in the case of ***State of A.P. v. Bimal Krishna Kundu***, reported in **(1997) 8 SCC 104** has held as under:

"8. A three-Judge Bench of this Court has stated in Pokar

Ram v. State of Rajasthan [(1985) 2 SCC 597 : 1985 SCC (Cri) 297 : AIR 1985 SC 969] : (SCC p. 600, para 5)

"5. Relevant considerations governing the court's decision in granting anticipatory bail under Section 438 are materially different from those when an application for bail by a person who is arrested in the course of investigation as also by a person who is convicted and his appeal is pending before the higher court and bail is sought during the pendency of the appeal."

9. *Similar observations have been made by us in a recent judgment in State v. Anil Sharma [(1997) 7 SCC 187 : 1997 SCC (Cri) 1039 : JT (1997) 7 SC 651] : (SCC pp. 189-90, para 8)*

"The consideration which should weigh with the Court while dealing with a request for anticipatory bail need not be the same as for an application to release on bail after arrest."

xxxx xxxx xxxx

12. *We are strongly of the opinion that this is not a case for exercising the discretion under Section 438 in favour of granting anticipatory bail to the respondents. It is disquieting that implications of arming the respondents, when they are pitted against this sort of allegations involving well-orchestrated conspiracy, with a pre-arrest bail order, though subject to some conditions, have not been taken into account by the learned Single Judge. We have absolutely no doubt that if the respondents are equipped with such an order before they are interrogated by the police it would greatly harm the investigation and would impede the prospects of unearthing all the ramifications involved in the conspiracy. Public interest also would suffer as a consequence. Having apprised himself of the nature and seriousness of the criminal conspiracy and the adverse impact of it on "the career of millions of students", learned Single Judge should not have persuaded himself to exercise the discretion which Parliament had very thoughtfully conferred on the Sessions Judges and the High Courts through Section 438 of the Code, by favouring the respondents with such a pre-arrest bail order."*

13. In course of the argument, it has been pointed out by the learned counsel appearing for the informant that when the Cyber police were investigating the matter, Instagram authorities have given opinion that 25 times the username of the account has been changed. Even if the argument of the learned counsel for the petitioner is accepted that the petitioner and informant, both were using the said account, the petitioner has got no authority to compromise the dignity and privacy of the informant.

14. The allegation is made against the petitioner in the present case of threatening the informant to make video viral on social media. The Whatsapp chat brought on record is very much disturbing. It transpires from page 69 of the counter affidavit filed by the informant that unparliamentary words have been used by the petitioner and in same page, resignation was sought by the petitioner to be made by the informant from Amity University. The chats relating to sex have been disclosed at page 70 of the counter affidavit. There are other chats also on the record. In these backgrounds, the petitioner herein has exploited vulnerability and dignity of the informant.

15. In view of the aforesaid facts and reasons, I am not inclined to grant anticipatory bail to the petitioner and, as such, his prayer for anticipatory bail is, hereby, rejected.

16. Accordingly, this application is dismissed.

17. Interim order, granted by this Court vide order dated 13.10.2025, stands vacated.

(Sanjay Kumar Dwivedi, J.)

Dated: 21st January, 2026
Ajay/ A.F.R.

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