

20.07.2021.
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(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

**C.R.M. 687 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Cooch Behar Sadar Woman P.S. Case No.44 of 2021 dated 22.04.2021 under Sections 376/354-A(ii)/506 of the Indian Penal Code (G. R. Case No.480 of 2021).

In the matter of : Abhijit Das @ Biswajit.

... Petitioner.

Mr. Hillol Saha Poddar,
Ms. Arpita Saha.

.....for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Tapan Bhattacharjee.

.....for the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Cooch Behar Sadar Woman P.S. Case No.44 of 2021 dated 22.04.2021 under Sections 376/354-A(ii)/506 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

This is a case wherein petitioner is said to be blackmailing the victim even to the extent of having sexual favour from victim by publishing some obscene pictures of the

victim already captured by the principal accused Majidul Haque.

Learned Advocate for the petitioner submits that he has been falsely implicated in this case and he had no occasion to perpetrate the offence alleged under Section 376 of the Indian Penal Code as against the victim concerned. The prime allegation is directed against Majidul Haque, and he is in no way connected with the alleged incident. It is further submitted that custodial interrogation in the instant case is not necessary.

Learned Advocate for the State raises objection against the prayer for pre-arrest bail. Our attention is drawn to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. The victim is a married lady, against whom forceful physical relationship was established by principal accused committing rape upon her and incidentally captured some obscene pictures of victim, which was subsequently forwarded to the instant petitioner. The present petitioner proceeded to utilize those pictures with the object of having sexual favour from victim.

Having considered the materials collected in Case Diary, hearing the submission of both sides and bearing in mind the extent of involvement of the petitioner with the alleged offence in the perspective of the disclosure of the victim made in her statement under Section 164 of the Code of Criminal procedure, we are of the considered view that custodial interrogation of the petitioner is not necessary.

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, one of whom must be local subject to the satisfaction of the arresting officer, and on conditions as enshrined under Section 438(2) of the Code of Criminal Procedure, 1973, and on further condition that the petitioner shall meet the Investigation Officer once in week.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 687 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Subhasis Dasgupta,J.)