

05.07.2022

Item No.19

Ct.No.34

dc.

Allowed

C.R.M. (SB) 147 of 2022

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Belda Police Station Case No. 252 of 2022 dated 11.06.2022 under Sections 295A/153A/504 of the Indian Penal Code and Sections 66/67 of the I.T. Act, 2000 (G.R. Case No. 505/2022).

And

In Re : **Shivsankar Jana @ Chandan Jana**
... Petitioner.

Mr. Krishnendu Bhattacharya,
Mr. Lokenath Chatterjee,
Mr. Sukanta Ghosh,
Mr. Priyankar Ganguly,
Ms. Shalini Bairagi
... For the Petitioner.

Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee,
Mr. Kaushik Chandra Gupta
... For the State.

Petitioner was arrested on 12.06.2022 in connection with Belda Police Station Case No. 252 of 2022 dated 11.06.2022.

Learned advocate for the petitioner submits that the petitioner without being served notice under Section 41A of the Code of Criminal Procedure has been arrested, although all the offences complained of are below seven years.

Mr. Chatterjee, learned advocate appearing for the State produces the case diary, opposes the application for bail and draws the attention of the Court to the relevant steps taken by the Investigating Officer.

It reflects from the case diary that the Investigating Officer has already sent for Cyber Forensic Examination in respect of the alleged objectionable post. I find that search and seizure which were to be effected by the investigating agency has already been completed. The petitioner is in custody for more than 20 days. Further detention of the petitioner in connection with the instant case is not required as the police authorities have taken effective steps immediately after his arrest. Accordingly, the prayer for bail of the petitioner is **allowed** subject to the following conditions:

- (i) The petitioner, viz., **Shivsankar Jana @ Chandan Jana** shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dantan, Paschim Medinipur.
- (ii) The petitioner shall not leave the jurisdiction of Belda Police Station without permission of the learned Additional Chief Judicial Magistrate, Dantan, Paschim Medinipur.
- (iii) The petitioner, without permission from the learned Additional Chief Judicial Magistrate, Dantan, Paschim Medinipur, will not participate in any social media platform. If the investigating authorities or the police authorities find that

directly or indirectly similar acts are committed by the petitioner by using social media platform or any electronic device, in that case, the learned Additional Chief Judicial Magistrate, Dantan, Paschim Medinipur, on an application by the investigating agency, will be entitled to cancel the bail of the petitioner without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (SB) 147 of 2022, is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)