

15.07.2022
Serial no.9
Aloke

CRM (A) 3364 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Malda Cyber Crime P.S. Case No. 08 of 2022 dated 01.02.2022 under Sections 354D/506/500 of the Indian Penal Code read with Sections 66C/67/67B of the Information Technology Act, 2000.

-And-

In the matter of : **Aliul Sk @ Aliul Sheikh**

... .. Petitioner

Mr. Ayan Bhattacharjee, Advocate
Mr. Avik Ghatak, Advocate
Mr. Fahad Imam, Advocate
Mr. Debarka Guha, Advocate

... .. For the Petitioner

Mr. Ranabir Roy Chowdhury, Advocate
Mr. Sandip Chakraborty, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that only non-bailable Section under which, the petitioner is being investigated against is Section 67B of the Information Technology Act, 2000. He submits that in view of the latest pronouncement of the Supreme Court, the petitioner is entitled to a notice under Section 41A of the Code of Criminal Procedure. He contends that the petitioner was falsely implicated and the police complaint was lodged due to a relationship turning sour.

Learned Advocate appearing for the State draws the attention to the materials in the case diary. He submits that five mobile phones were seized. The I.P. address is still under investigation. The police found offensive pictures of the victim uploaded on the social media platform.

The case diary contains offensive pictures of the victim uploaded on the social media platform. The investigations are yet to be concluded. The involvement of the petitioner in the incident cannot be negated at this stage. Rather it is apparent from the materials in the case diary that there is a necessity of custodial interrogation of the petitioner.

Prayer for anticipatory bail of the petitioner is rejected.

CRM (A) 3364 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)