

C.R.M. 7751 of 2021

18.02.2022
Sl. 47
Court No.29
sourav
(DO)

In Re: - An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure filed.

And

In the matter of: **Neha Sharma**

....petitioner.

Mr. Debasish Roy

Mr. Avik Ghatak

Mr. Sohan De Dhara

...for the petitioner.

Mr. Rajib Basu

Mr. Pradeep Kumar Tarafdar

...for the Opposite party no. 2.

Mr. Rudradipta Nandy

Mr. A. Basu

...for the State

Petitioner seeks cancellation of order of anticipatory bail granted on September 22, 2021.

Learned advocate appearing for the petitioner submits that the private opposite party is continuing to sending offensive electronic materials to the petitioner. He refers to the electronic mail which his client received at pages 26, 27 and 47 of the application. He submits that there was an allegation of the private opposite party indulging in such activities in the parent police complaint. While the Court granted the anticipatory bail, it was observed by the Court that the private opposite party should not indulge in such activities henceforth. However, the private opposite party is still indulging in such activities as appearing from pages 26, 27 and 47 of the application. The petitioner filed a police complaint with regard thereto.

Considering such stand of the petitioner an order was passed on February 2, 2022 where, the police was required to submit a report with regard to the pages 26, 27 and 47 of the application.

Learned advocate appearing for the State submits a report which be taken on record. He draws the attention of the Court to the fact that electronic mail which the petitioner received was through an electronic mail identity which was masked by using the Virtual Private Network (VPN). The electronic mail was shown to originate from another country. The police are yet to find out the entire track of the electronic mail. He submits there is a Whatsapp message emanating from a phone number of the same country.

Learned advocate appearing for the private opposite party submits that the private opposite party is not involved in any of the three messages received by the petitioner. He submits that the private opposite party is being falsely implicated. He submits that the messages should also be investigated.

Initially, the prayer for anticipatory bail was allowed on September 22, 2021. There was an allegation of the private opposite party threatening to upload objectionable electronic materials so far as the petitioner is concerned in the social media, in the event the petitioner did not withdraw the police complaint. However, anticipatory bail was granted to the private opposite party.

The petitioner is a lady. The petitioner is continuing to receive offensive electronic mails and Whatsapp messages. It is inconceivable that a person from another country will send the Whatsapp message or the electronic mail to the petitioner. The complicity of the private opposite party in the electronic mail and the Whatsapp messages that the petitioner is receiving subsequent to the grant of the anticipatory bail cannot be ruled

out completely. Since, the Whatsapp messages and the electronic mails are shown to emanate from a different country and considering the gravity of the offence and the complicity of the petitioner therein, it would be appropriate that the anticipatory bail granted in favour of the private opposite party be cancelled in order to facilitate custodial interrogation of the private opposite party with regard to the parent police complaint and the subsequent activities.

Consequently, the anticipatory bail granted on September 22, 2021 in favour of the private opposite party is stands cancelled. The private opposite party shall surrender to custody within a week from date.

C.R.M. 7751 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

