

18.08.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3940 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Marishda** Police Station Case No. **156** of **2022** dated **21.07.2022** under Section 376 of the Indian Penal Code, 1860.

And

In Re : Satish Chandra Jana

..... petitioner

Mr. Mazahar Hossain Chowdhury

Ms. M. Alam

....for the petitioner

Mr. Indrajit Chatterjee

....for the de-facto complainant

Mr. Pravas Bhattacharya

Mr. Suman Saha

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Learned advocate appearing for the de-facto complainant submits that, the delay in lodgment of the First Information Report (FIR) is explained. He submits that the petitioner obtained offensive photographs of the de-facto complainant.

There is a delay in the lodgment of the FIR.

Both de-facto complainant as well as the petitioner are adults.

There is an allegation that the petitioner obtained offensive photographs of the de-facto complainant and blackmailed her.

The medical report of the de-facto complainant is inconclusive.

In such circumstances, it would be appropriate to direct the petitioner to surrender his mobile phone to the Investigating Officer forthwith.

Consequently, we grant anticipatory bail to the petitioner.

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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once a week till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)