

05.12.2022
Serial no. 36
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 5654 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **G.R. No. 5395 of 2022** arising out of **Manikchak** Police Station Case No. **478** of **2022** dated **28.08.2022** under Sections **493/307** of the Indian Penal Code with added Section **376** of the Indian Penal Code.

-And-

In the matter of : **Dipankar Sinha**

... .. Petitioner

Mr. Arindam Jana,
Mr. Apurba Kr. Chakraborty,
Mr. Arhan Sengupta, Advocates
... .. *For the Petitioner*

Mr. Tanmoy Kr. Ghosh, Id. SGA
Ms. Sonali Bhar, Advocate
... ..*For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, in fact, the petitioner is a victim of extortion. He refers to the WhatsApp messages. He submits that there was a demand for money and the petitioner paid a portion of the demand for money. Subsequent to the petitioner failing to pay the balance portion, the police complaint was lodged.

Learned advocate for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

The victim in her statement recorded under Section 164 of the Criminal Procedure Code claims that the petitioner engaged in a physical relationship with her on the promise of marriage. She, however, does not refer to the WhatsApp

messages that she exchanged with the petitioner and the demand for money she made in such WhatsApp messages. The WhatsApp messages suggest that the de facto complainant threatened the petitioner with the false implication in the event her demands were not met.

Consequently, we are inclined to 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/- (Rupees Ten Thousand Only), 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 report before the Investigating Officer once in a month till the conclusion of the investigation and on further 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 5654 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)