

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

25.07.2022.
08.
Ct.No.28.
(Allowed)

**C.R.M. (DB) 260 of 2022
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mathabhanga P. S. Case No.438 of 2021 dated 02.08.2021 under Sections 376/506 of the Indian Penal Code.

In the matter of : Bikash Mahata @ Bikash Mahato.
.... Petitioner.

Md. Sabir Ahmed,
Mr. Hillol Saha Podder.

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Ujjwal Luksom.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for over 300 days. He has been falsely implicated in the instant case. After recording of the evidence of the victim, he has renewed his prayer for bail. He contends no evidence has come on record the victim had been persuaded through misrepresentation or threat to enter into a sexual relationship. No electronic evidence with regard to uploading of objectionable pictures had been seized.

Learned Advocate for the State opposes the prayer for bail and submits that the petitioner had taken objectionable pictures of the victim which were subsequently uploaded on a social media site.

We have considered the materials on record including the evidence of the victim. Her evidence does not show there was

any misrepresentation or threat to compel her to enter into physical relationship. Allegation with regard to uploading of objectionable pictures in electronic media is not supported by electronic evidence collected during investigation.

In view of the nature of evidence which has come on record since the earlier rejection of bail and as the victim has already been examined including the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga, Coochbehar subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)

