

16.01.2023

Sl.7 wt 26
Court No.29
(AD)
(Allowed)

C.R.M. (A) 6006 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bishnupur** Police Station Case No. **125 of 2022** dated **16.07.2022** under Sections **417/354/376/377/493/506/120B** of the Indian Penal Code (G.R. Case No.637 of 2022).

And

In the matter of: **Prabhas Kumar Jha & Anr.**

....petitioners.

Mr. Sandipan Ganguly, Ld. Sr. Advocate
Mr. Arkadeb Bhattacharya

...for the petitioners.

Mr. S. S. Imam
Mr. Rajesh Jana

...for the State.

With

C.R.M. (A) 160 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bishnupur** Police Station Case No. **125 of 2022** dated **16.07.2022** under Sections **417/354/376/377/493/506/120B** of the Indian Penal Code (G.R. Case No.637 of 2022).

And

In the matter of: **Nikhil Kashyap**

....petitioner.

Mr. Sandipan Ganguly, Ld. Sr. Advocate
Mr. Arkadeb Bhattacharya

...for the petitioner.

Md. Anwar Hossain
Ms. Ratna Ghosh

...for the State.

Two applications for anticipatory bail are taken up for consideration analogously as they relate to the same police case.

There is a statement recorded by the victim under Section 164 of the Code of Criminal Procedure.

The statement of the victim narrates about a relationship between her and the petitioner in CRM (A) 160 of 2023 spanning over a period of time.

Both the victim and the petitioner in CRM (A) 160 of 2023 are adults and well-educated.

Both of them are expected to know the consequences of their relationship.

The statement of the victim, however, narrates video photograph being taken by the petitioner of CRM (A) 160 of 2023.

In such circumstances, we direct the petitioner in CRM A) 160 of 2023 to surrender his mobile phone to the Investigating Officer forthwith.

Considering the gravity of the offence, the materials in the case diary and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we grant anticipatory bail to the petitioners in both the applications for anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners in both the applications shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner no.1 in CRM (A) 6006 of 2022 and petitioner of CRM(A) 160 of 2023 will report before the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner no.2 in CRM (A) 6006 of 2022 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioners in both the applications 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 both the applications in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioners in both the applications is allowed.

C.R.M. (A) 6006 of 2022 and **C.R.M. (A) 160 of 2023** are, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

