

22.03.2023

26

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1176 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dhubulia** Police Station Case No. **199** of **2018** dated **11.08.2018** under Sections 376/417/292A of the Indian Penal Code, 1860 and under Section 67 of the I. T. Act.

And

In Re : Rahul Mallick @ Nur Selim Malick

..... petitioner

Ms. Karabi Roy

....for the petitioner

Mr. Saibal Bapuli

Mr. Sujan Chatterjee

....for the State

Some amount of delay is involved in approaching a Court for anticipatory bail. We perused the materials in the case diary.

Police filed charge-sheet in the year 2022.

The statement of the de-facto complainant recorded under Section 164 of the Code of Criminal Procedure suggests that, an offensive video photograph was taken by the petitioner.

Police are yet to seize such offensive video photography.

In such circumstances, 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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)