

17.05.2023

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Ct. No. 29
CHC
Allowed

C.R.M.(A) 1998 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beldanga** Police Station Case No. **327** of **2023** dated **01.05.2023** under Sections **417/376/506/354C** of the Indian Penal Code.

And

In the matter of : Md. Sunam Sk @ Md Sumon Sk
@ Sunam Sk

..... petitioner

Mr. Tapodip Gupta

....for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.

Mr. Partha Pratim Das,

Mrs. Manasi Roy

....for the State

There is a statement recorded under Section 161 of the Criminal Procedure Code as well as under Section 164 of the Criminal Procedure Code of the de facto complainant.

The de facto complainant is an adult.

De facto complainant acknowledges that there was a relationship between her and the petitioner. It is claimed by the de facto complainant that the petitioner entered into a physical relationship with her and took offensive photographs of her. She also claimed that such photographs were sent to her.

The subsequent statement recorded under Section 161 of the Criminal Procedure Code of the de facto complainant states that the mobile phone in which she received such offensive photographs is with her elder sister and that such photographs were deleted.

Materials in the case diary do not corroborate the claim made by the de facto complainant in the statement recorded under Section 164 of the Criminal Procedure Code.

Moreover, petitioner and the de facto complainant are adults. They are supposed to be aware of the relationship which they entered into. As to whether, the relationship was in the nature as claimed by the de facto complainant is debatable.

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/- (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 meet the Investigating Officer once in a month till the conclusion of 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 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.)