

04.07.2023

Sl. 55

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2367 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Domkal** Police Station Case No. **660 of 2022** dated **15.10.2022** under Sections **376/354C/506** of the IPC.

And

In the matter of: **Mostafa Sk @ Mostafa Biswas**

....petitioner.

Ms. Minoti Gomes

Mr. Amanul Islam

Mr. Sourav Mukherjee

...for the petitioner.

Mr. Sudip Kumar

...for the State.

1. Heard learned Counsel for both the parties.
2. Both the petitioner and the victim are grown up and in fact the victim is a mother also whose husband was staying away in Kerala. Both the petitioner and the victim developed relationship which got the influence of Venus and thereafter they established physical relationship. It is alleged that some of the objectionable photograph of the victim has been made viral by the petitioner but there is no substantive proof to that effect as yet and no offence under I.T. Act has also been registered as yet.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, circumstances involved, sequence of events and substantial progress in the investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest on such terms and conditions as deemed just and proper in the facts and circumstances of the case in connection with Domkal P.S. case No. 660 of 2022 dated 15.10.2022 including the conditions that i) the petitioner

shall appear before the I.O. once in a week on the day and time fixed by the I.O. till submission of Final Form; ii) if asked for, the petitioner shall produce his mobile phone which he was using at the relevant time of occurrence before the police and shall co-operate in the investigation.

4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
5. Within 3 weeks of the receipt of server copy or certified copy of this order, the petitioner is directed to appear before the I.O. alongwith a copy of such order.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2367 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)

