

02.08.2023.
27.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2703 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhadreswar P. S. Case No.183 of 2021 dated 03.06.2021 under Sections 363/376/328/417/419/292/506/509 of the Indian Penal Code read with Section 4 of the POCSO Act and charge sheet submitted under Sections 363/376/417/419/ 292(2)(a) / 506/509 of the Indian Penal Code read with Section 4 of the POCSO Act and Section 66E/67/67A/67B of Information Technology Act.

In the matter of : Prabhat Ranjan Rai @ Prabhat Ranjan
@ Munna.

.... Petitioner.

Mr. Bitasok Banerjee.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Petitioner submits victim girl had instituted similar case against one Akash Nayek alleging objectionable pictures were uploaded on social media and she was blackmailed to cohabit with the said accused. In the said case registered against Akash Nayek, an affidavit has been filed that the victim would marry him. On such ground, Akash Nayek has been released on bail. Referring to these facts, it is submitted the present case is based on similar allegations as the one registered against Akash Nayek. Allegations are patently absurd. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer.

De-facto complainant also opposes the bail prayer. She submits petitioner had surreptitiously uploaded objectionable

pictures and does not stand on the same footing with Akash Nayek with whom her marriage is proposed to be solemnized.

We have considered the materials on record. Allegations in the present case are similar to that which were made against Akash Nayek in Bhadreswar P.S. Case No.236 of 2023. In the said FIR, it is alleged that the victim had an association with said Akash Nayek for the last two years. Subsequently, victim and Akash Nayek have compromised and an affidavit was filed before the court below that they would marry each other.

Credibility of the allegation that petitioner had at the same time when the victim was having an intimate relation with the said Akash Nayek who had surreptitiously uploaded objectionable pictures on social media requires to be thrashed out in the light of attending circumstances during trial. Possibility of objectionable pictures being taken by Akash Nayek and circulated by him resulting in false implication of the petitioner cannot be ruled out.

Under such circumstances, we are inclined to enlarge the petitioner on bail.

Accordingly, the petitioner viz., Prabhat Ranjan Rai @ Prabhat Ranjan @ Munna 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, Chandannagore, Hooghly 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.

The application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)