

04.09.2023

SL. 4

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2882 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bowbazar** Police Station Case No. **126** dated **05.07.2023** under Sections **342/376/417/506/34** IPC.

And

In the matter of: **Md. Nawsad Siddique @ Nawsad Siddique**
....petitioner.

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
Mr. Rajdeep Mazumder
Mr. Firdous Samim
Mr. Mayukh Mukherjee
Ms. Gopa Biswas
Ms. Mousumi Hazra
Ms. Payel Shome
Ms. Sampriti Saha

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP
Mr. Rudradipta Nandy, Ld. APP
Ms. Sonali Das

...for the State.

Mr. N. K. Gupta
Ms. Sabera Khatun

... for the defacto complainant.

1. Heard learned Counsel for the parties including the learned Counsel for the informant.
2. The informant is a divorcee with a daughter aged about eight years and the petitioner is an unmarried person. Both of them belong to different political parties. Admittedly, they got acquainted and there was consensual sex between them on the petitioner having given a promise to marry the informant. The marriage date was fixed. But the petitioner is stated to have back out. After such incident, the petitioner is alleged to be giving threaten to the victim to the effect that he shall make everything public about her privacy in the social media.

It is also argued on behalf of the State and learned Counsel for the informant that the petitioner has also given threaten to abduct the daughter of the informant who is reading in a boarding school.

3. Be that as it may, at first this is a case of consensual sexual relationship between two adults and whether the promise to marry was a false promise at the outset is a question of fact to be decided at the time of trial. Secondly, from the number of WhatsApp chat between the informant and one of the close associates of the petitioner reveals that all the threat etc. in the WhatsApp or other social media is alleged to have been given by the petitioner in the month of June but not followed by any overt act.
4. Learned Public Prosecutor submits that an FIR under Section 195A IPC has already been registered against the petitioner for the alleged threat given by the petitioner. That FIR in our view should have its own course of law.
5. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances including the conditions that:
 - i) the petitioner is directed to appear before the I.O. twice in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of Final

Form;

ii) the petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

iii) the petitioner shall not leave the jurisdiction of the Trial Court for a period of 15 days at a time without obtaining prior permission of the I.O. during investigation.

6. The petitioner or any of his associates shall not send any WhatsApp message or any message in social media with a view to put mental pressures on the informant or on her daughter.

7. The petitioner shall wholeheartedly cooperate with the investigation and shall produce all the incriminating materials alleged to be with him subject, however, to provision of Article 20(3) of the Constitution of India.

8. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.

9. Accordingly, the prayer for the anticipatory bail is allowed.

10. The application being **CRM (A) 2882 of 2023** is disposed of.

11. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

