

**09.08.2023**  
SL. 22  
Court No. 29  
Sourav  
(Allowed)

**C.R.M. (A) 2905 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **257** of **2023** dated **14.04.2023** under Sections **376(1)/354(C)/506** IPC.

And

In the matter of: **Babu Mondal @ Israfil Haque**

....petitioner.

Mr. Jisan Hossain  
Ms. Chandrima Debnath  
Mr. K. Mondal

...for the petitioner.

Mr. S. S. Imam  
Mr. R. Jana

...for the State.

1. Heard learned Counsel for the parties.
2. From page 10 of the present petition, we find that an FIR was lodged by the present informant on 30.03.2022 alleging love affairs, promise of marriage, physical relationship and breakup. In that case, the petitioner was enlarged on anticipatory bail vide order dated 20.04.2022 passed in Criminal Misc. Case No. 1625 of 2022 by the learned Sessions Judge, Murshidabad. Thereafter, the present FIR has been lodged on 14.04.2023, on the basis of allegation that the petitioner having installed hidden camera in the bathroom of the victim took obscene photographs of the victim, blackmailed her and raped her by threatening to make the photograph viral.
3. It is fairly submitted by learned Counsel for the State that no hidden camera has been seized from the bathroom of the victim and the police has not yet laid it's hands on any viral

photograph though one photograph produced by the victim has been seized.

4. Taking into consideration the entire genesis of events, we entertain genuine doubt about the allegation in the present FIR. The facts so alleged should be best left to the wisdom of learned Trial Court at the time of trial .
5. Investigation is stated to have progressed substantially.
6. 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 of the case including the fact that:
  - i) the petitioner is directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
  - 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 P.S. without obtaining prior leave from the I.O.
7. 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.

8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 2905 of 2023** is disposed of.
10. 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.)**

