

18.09.2023
ML. 128
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3735 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Debra** Police Station Case No. **189** of **2023** dated **02.04.2023** under Sections **500/501/506/507/509/120B** IPC and Sections **66E/67** of the I.T. Act (corresponding to G.R. Case No. 1258 of 2023).

And

In the matter of: **Rajkumar Ghorai**

....petitioner.

Mr. Siddhartha Sarkar
Mr. Hirak Roy

...for the petitioner.

Mr. Antarikhya Basu

...for the State.

1. Heard learned Counsel for the parties.
2. This is a case of relationship triangle between the husband, his friend and the wife (informant). It is fairly submitted at the Bar that no obscene photographs of the informant have been seized but some derogatory leaflets are alleged to have been pasted in the locality where the informant and the petitioner stayed.
3. It might be a case of some romantic relationship between the informant and the petitioner's friend or a case of the petitioner using his wife to please his friend. That is a question of fact that can be brought out after the witnesses are cross-examined. But *prima facie*, we do not find a strong case against the petitioner.
4. 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 condition that:

- i) The petitioner is directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.
5. Within 21 days from today, petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
6. Accordingly, the prayer for anticipatory bail is allowed.
7. The application being **CRM (A) 3735 of 2023** is disposed of.
8. 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.)

