

C.R.M. (D.B.) 3553 of 2023

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No. 988 of 2023 dated 27.07.2023 under sections 376/307/417/506 of the Indian Penal Code.

And

In the matter of : Shamik Dutta alias Shamik Datta

Mr. Sayan De
Mr. Sayan Kanjilal
Mr. Vivek Saha

... ... for the petitioner

Ms. Zareen N. Khan
Mr. Md. Kutubuddin

... ... for the State

1. Petitioner is in custody for about two months. It is contended there was free mixing between the parties. FIR has been registered nine months after the incident. Petitioner prays for bail.
2. Learned lawyer for the State submits the petitioner had blackmailed the victim by threatening to upload her objectionable pictures on the internet. She submits report.
3. Learned lawyer for the de facto complainant opposes the prayer for bail. He contends the victim was compelled through blackmail to submit to the petitioner. She even tried to commit suicide.
4. We have considered the materials on record. There is a delay of nine months in registration of FIR. Delay in lodging FIR requires to be explained during trial. Allegation of blackmail on threat of uploading objectionable pictures has not been probabilized through collection of electronic evidence.

5. Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.
6. Accordingly, the petitioner 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 Chief Judicial Magistrate, Malda subject to the condition that the petitioner 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 and on further condition that he shall not enter the Balurghat Police Station where the victim resides or try to contact her physically or through electronic modes.
7. In the event the petitioner fails to do so without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this court.
8. The application for bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)