

04.10.2023
Court No.1
SL No.37
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(A) 817 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dinhata** P.S. Case No. **161 of 2023** dated **28.03.2023** under Sections **341/323/354/354C/379/506/34** of the Indian Penal Code.
And

In the matter of: **Kanak Barman @ Narayan Barman and Anr.**

....Petitioners.

Mr. Sudip Guha
Mr. Sandip Guha

...for the petitioners.

Mr. Tapan Bhattacharjee
Mr. Chattu Roy

...for the State.

1. The application for anticipatory bail is made on the ground that the allegation against the petitioners is a counterblast to an earlier complaint against the de facto complainant which is resulted in an FIR 128 of 2023.

2. This Court has considered the statements under section 161 of the complainant and the other persons. It appears that certain objectionable photographs of the victims have been taken by the petitioners.

3. This Court directs that the petitioners shall surrender the original medium and all copies of the said photographs to the investigating officer immediately.

4. Having considered the materials on record in the case diary and in view of the aforesaid facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

5. In the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioners shall meet the investigating officer as and when required until further orders and on further condition that the petitioners shall cooperate with the investigation and on further condition that the petitioners shall not leave the jurisdiction of the Dinhata Police Station without prior permission of the investigating officer and on further condition that the petitioners shall always be available on their mobile phones for the investigating officer to be able to contact them and on further condition that the petitioners shall appear before the court below and pray for regular bail within a fortnight from date.

6. In the event the petitioners fail to comply with the aforesaid conditions as enshrined hereinabove and if the objectionable photographs are found with any third person by

the police, the bail of the petitioners shall automatically stand cancelled without any further reference to this Court.

7. The application for anticipatory bail is, thus, allowed.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)