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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 776 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 22.12.2022 in connection with Sahebganj Police Station Case No. 407 of 2022 dated 30.10.2022 under Sections 448/376/506 of the Indian Penal Code.

In the matter of : Lutfar Hossain @ Lutfar Miah @ Babu
... petitioner

Mr. Subhasish Misra,
Mr. Swarup Das

...for the petitioner

Mr. Ujjal Luksom,
Mr. Tapan Bhattacharjee

.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner submits that in the complaint lodged against the petitioner, no specific date or time of offence was mentioned. That apart, it is submitted that there was a disagreement between the petitioner and the victim, to whose son the petitioner used to impart tuition, in respect of alleged non-payment of tuition fees to the petitioner.

As such, there is no basis of the complaint against the petitioner and the petitioner seeks anticipatory bail.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that certain compromising photographs of the victim were allegedly circulated by the petitioner. In the event the petitioner is granted anticipatory bail, it is submitted that further circulation of such photographs cannot be stopped.

Considered the submissions of the respective parties.

It transpires that the petitioner vehemently denies the allegation of the offence. In the event the petitioner had actually committed the same and had circulated or now circulates such photographs, the petitioner will in any event be implicated in the case further. As such, we do not find any scope of formally restraining the petitioner from doing so and/or refusing anticipatory bail to the petitioner in view of the specific denial of the petitioner.

Accordingly, CRM (A) 776 of 2022 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions as stipulated in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dinhata and on further condition that the petitioner shall cooperate with the investigation as far as possible and make himself available in

the event so required to be present by the Investigating Officer during the entire period of investigation.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)