

15.12.2023

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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (DB) No. 699 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Samuktala Police Station Case No. 187 of 2023 dated 25.08.2023 under Sections 353/354 with added Section 376 of the Indian Penal Code.

And

In Re : Sri Jaya Kishorat Dom @ Jaya Kisharat Dom @
Jay Harijan @ Bumba Harijan petitioner

Mr. Arijit Ghosh
Mr. Satyajit Paul

.....for the petitioner

Mr. Saikat Chatterjee
Mr. Chattu Roy

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for 76 days. It is also submitted that the victim is a married lady. There is nothing on record that intimate pictures had been either uploaded or forwarded to a third party. He has been falsely implicated in the alleged offence. He prays for bail.

2. Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner had blackmailed the victim and forwarded her obscene pictures.

3. We have considered the materials on record. Statement of the victim and other materials on record show there was free

mixing between the parties. Victim is a married lady. Although it appears intimate pictures had been forwarded to her there is nothing on record to show the said pictures were either uploaded on social media or forwarded to a third party. Possibility of exchange of intimate pictures due to close relationship between the parties cannot be ruled out. Investigation is complete. There is no chance of abscondence. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly we direct that 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, Alipore, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)

