

19.03.2024.  
34.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (DB) 473 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Barasat P.S. Case No.877 of 2023 dated 07.12.2023 under Section 376D of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Bivas Das.**

.... Petitioner.

Mr. Niladri Sekhar Ghosh,  
Ms. Sompurna Chatterjee,  
Mr. Sourov Mondal,  
Ms. Labani Sikder.

...for the Petitioner.

Mr. Arindam Sen,  
Mr. S. S. Imam.

...for the State.

1. Petitioner contends a link popped up on his social media account from a profile named 'Ayesha Pori'. The link contained picture of a girl with an invitation for a casual intimate experience. Petitioner was lured into the trap and was falsely implicated. In support of his plea, he has filed a supplementary affidavit enclosing snapshots of the pictures and comments uploaded on the link concerned. He is in custody for 105 days. Accordingly, he prays for bail.

2. In light of the aforesaid submission, we directed enquiry into the issues raised by the petitioner. Report has been submitted on behalf of the State.

3. Notice was also issued upon the victim girl. In spite of the notice, nobody appears for the victim girl.

4. We have considered the materials on record. Petitioner contends a honey trap was laid through a link named as 'Ayesha Pori'. Proposal for casual dating was made. Pictures and comments uploaded on the link. Petitioner indulged in a conversation and fell pray to the trap. Subsequently, he was blackmailed and was falsely implicated in the case.

5. We have perused the report submitted on behalf of the State. Report shows the link was created through the device belonging to the mother of the victim lady. Perusal of the matters uploaded through the link holds out an offer for casual dating. This improbabilises the prosecution case of forcible sexual intercourse by the petitioner.

6. Keeping in mind the aforesaid facts, we are of the opinion possibility of blackmail and false implication of the petitioner through a honey trap cannot be ruled out. Hence, we are inclined to grant bail to the petitioner.

7. Accordingly, the petitioner viz., **Bivas Das** 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 Judge, Special Court under the POCSO Act, Barasat, North 24-Paraganas subject to condition that he 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.

8. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at

liberty to cancel his bail in accordance with law without further reference to this Court.

9. This application for bail is, thus, disposed of.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**