

15.03.2024.
27.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 637 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gangajalghati P.S. Case No.135 of 2023 dated 07.10.2023 under Section 6 of the POCSO Act read with Sections 376(2)(n)/506/509 of the Indian Penal Code and Section 67-B of the Information Technologies Act.

In the matter of : **Arup Dewasi.**

.... Petitioner.

Mr. Arindam Jana,
Mr. Prantick Ghosh,
Mr. Prasad Bhattacharya,
Mr. Arhan Senngupta,
Mr. Partha Pratim Sinha.

...for the Petitioner.

Mr. Navanil De.

...for the State.

1. Petitioner is in custody for 120 days. He submits there was a romantic relationship between him and the victim lady. Subsequently, petitioner has married another woman. Out of grudge, he has been falsely implicated. Allegation with regard to circulation of obscene pictures are out and out false. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. Petitioner blackmailed the victim and raped her. Her obscene pictures have been circulated amongst the public.

3. In spite of service nobody appears for the victim.

4. We have considered the rival submissions at the Bar. Statement of the victim shows that the parties had cohabited in 2021. In December, 2021 her obscene pictures had been uploaded on the internet. No objection was raised at that point

of time. Investigating agency has also not produced any electronic evidence with regard to uploading of obscene pictures on social media site in December, 2021. That apart, prosecution alleges in December, 2023 CDs containing obscene pictures were circulated in the locality. There is no material to show that petitioner had circulated obscene pictures in December, 2023. Nexus between alleged obscene pictures which were uploaded at the behest of the petitioner in December, 2021 and the pictures circulated in December, 2023 have to be established during trial. Possibility of false implication as the petitioner had terminated the relationship and married another woman cannot be wholly ruled out. There is no chance of abscondence.

5. Under such circumstances, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Arup Dewasi** 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, Bankura 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.

7. 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)