

20.03.2024
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Allowed

C.R.M. (DB) No. 704 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Debra Police Station Case No. 494 of 2023 dated 10.10.2023 under Sections 342/376/354C/500/509/506 of the Indian Penal Code.

And

In Re : Mithu @ Mithu Molla petitioner

Mr. Abhijit Kumar Adhya
Mr. Arindam Poali

.....for the petitioner

Ms. Amita Gaur

.... for the State

Ms. Jhaarna Biswas
Mr. Biswajit Das

.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is in custody for 130 days. It is also submitted there was a romantic relationship between the petitioner and victim lady who was married at the time of the said relationship. There is delay in lodging FIR. He has been falsely implicated. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer.

3. Learned Counsel for the de facto complainant also opposes the bail prayer and submits she had been forcibly raped. Petitioner had uploaded her objectionable pictures on a social media site.

4. We have considered the materials on record. Victim is a married lady. It is alleged she was forcibly violated

by the petitioner. But after the occurrence she did not raise any protest. Only when her objectionable videos were allegedly uploaded on social media site did she approach the police. Though oral statements of witnesses who had seen the video had been recorded but no electronic evidence with regard to the objectionable pictures uploaded on the internet has been collected during investigation. We are informed forensic examination of the mobile phone of the petitioner is in progress. Further investigation in this regard would not require continued detention of the petitioner. Accordingly, we are inclined to grant bail to the petitioner.

5. 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, Paschim Medinipur, on further condition that petitioner while on bail shall not enter Debra Police Station till examine of the victim and shall not interact with the victim directly or indirectly or through electronic means whatsoever. He shall provide address where he shall presently reside to the investigating officer and learned court below and he shall report to the Officer-in-Charge of the concerned police station once in a week until further orders. Petitioner 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.

6. In the event 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)