

49.
Court
No.6

12.08.2024

(Tanmoy)

Allowed

CRM (DB) 2526 of 2024
In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Moyna** Police Station Case No. **131/2024**, dated **01.4.2024** under Sections **376/354C/506/509** of the Indian Penal Code.
And

In the matter of: - **XXXX**

Mr. Navanil De
Mr. Subhrajit Dey

...petitioner.

Mr. Pravash Bhattacharya
Ms. Diksha Ghosh

...for the petitioner.

...for the State.

1. Learned lawyer for the petitioner submits petitioner is in custody for 132 days. He contends the allegation of forcible rape and uploading of objectionable pictures are false. Investigation is complete. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He contends petitioner had taken objectionable pictures of the victim and blackmailed her. Subsequently, he uploaded those pictures on social media.
3. We have considered the materials on record. We have also examined the statement of the victim. She states that petitioner had taken objectionable pictures. He blackmailed her and cohabited for seven years. On one occasion, he was caught by her husband. Thereafter, the pictures were made viral. Then she confronted him and lodged criminal case. If the statement of the victim taken as a whole is to be believed, we fail to appreciate why the matter was not reported to police when the petitioner was caught by the victim's husband. Moreover, no material is placed on record

to show that objectionable pictures were uploaded by the petitioner or from an electronic device owned by him.

4. Under such circumstances, we are of the opinion petitioner is entitled to bail.
5. Accordingly, we direct the petitioner, namely, **XXXX** 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, Purba Midnapore at Tamluk, subject to condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall stay outside the jurisdiction of Moyna police station except for the purpose of attending Court proceedings and shall provide the address where he shall be residing to the jurisdictional police station, until further orders. The petitioner shall not contact the victim or her family members directly or through electronic means.
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 without any further reference to this Court.
7. The application for bail is, thus, allowed and disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)