

18.11.2024
Item no. 34.
Court No.29.
AB
(Allowed)

CRM (DB) 2700 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Uttara Police Station Case No.312 of 2023 Dated 22.08.2023 under Section 498A/304B/34 of the Indian Penal Code

And

In the matter of : Asish Kumar Rajbhar

.....Petitioner.

Ms. Jeenia Rudrafor the Petitioner.

Mr. Rana Mukherjee, Id. APP
Ms. Dattatreya Duttafor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for ten months. Even charge has not been framed. The allegation is that the petitioner had a love relationship with the victim, who was a married lady. The petitioner blackmailed her and extracted huge amounts of money by meting out threats of publishing intimate photographs of the petitioner and the victim on social media. The husband of the victim had to pay Rs.5 Lacs to the petitioner and for such reason the husband started torturing the victim, who was driven to commit suicide. The petitioner prays for bail.
2. Opposing the prayer for bail, learned Additional Public Prosecutor says that the petitioner was the real cause as

to why the victim committed suicide. Therefore, he has been implicated. His prayer for bail was rejected on February 9, 2024, by a Coordinate Bench.

3. Prima facie, we do not see as to how Sections 498A and 304B IPC can be pressed into service against the petitioner, who is not a relative of the victim. On that ground and also considering the quality of the material on record as against this petitioner and that he is in custody for ten months without even charge being framed, we are inclined to allow his prayer for bail.
4. Accordingly, we direct that the petitioner, namely **Asish Kumar Rajbhar** 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 Additional Chief Judicial Magistrate, Serampore, and on further conditions that he shall not leave the jurisdiction of the learned Trial Court and shall report to the Inspector-in-Charge/ Officer-in-Charge of the concerned police station once in a fortnight until further orders.
5. 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 and/or commit any cognizable offence in any manner whatsoever.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)