

27.09.2024
Court No.29
Item No. 9

Allowed
sg

CRM (A) 3452 of 2024

In Re:- An application for anticipatory bail under Section 482 of the BNSS, in connection with Berhampore Police Station Case No. 1150 of 2024 dated 08.08.2024 under Sections 64/351(2)/117(2)/318(4)/3(5) of BNS, pending before the learned Chief Judicial Magistrate, Berhampore, Murshidabad.

And

In Re: **Salauddin Mandal @ Salauddin Mondal & Ors.**

Petitioners

Mr. Sabir Ahmed

Md. Kutubuddin

For the Petitioners

Mr. Saryati Datta

Ms. Purnima Ghosh

For the State

1. We have heard the learned Counsel for the parties.
2. From the case diary, it prima facie appears that the petitioner no.1 was in amorous relationship with the defacto complainant and they had travelled together with in many places in India. There are apparent contradictions in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure with the statement made at the time of her medical examination. Both the parties are adult. The relationship appears to be consensual. However, it is alleged that by reason of such intimate relationship, the petitioner no.1 may have taken some photographs during private moments and there is allegation of blackmailing the victim with such photographs.

3. The learned Counsel for the State along with the case diary has produced certain transactions of photographs recovered and opposed the prayer for anticipatory bail. The said photographs are not objectionable.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner no.1 in the commission of alleged offence, and in view of the aforesaid fact, we are of the view that custodial interrogation of the present petitioner no.1 is not necessary.
5. Accordingly, we direct that in the event of arrest the petitioner no.1 namely, **Salauddin Mandal @ Salauddin Mondal**, 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 Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner no.1 shall meet the I.O. once in a fortnight till the submission of the final report and the petitioner no.1 shall appear before the jurisdictional court within ten days from date.
6. In addition to the aforesaid, the petitioner no.1 shall deposit the mobile phone with the Investigating Officer without deleting any message or photograph which might have taken during private moments.
7. In the event the mobile phone is not deposited or any of the conditions as aforesaid, is not fulfilled, this conditional order passed in favour of the petitioner no.1, shall stand automatically cancelled without any further reference to this Court.
8. Insofar as the petitioner nos. 2 and 3 are concerned, we do not find any incriminating materials in the case diary against them and accordingly, we are

of the view that custodial interrogation of the petitioner nos. 2 and 3 is not necessary.

9. Accordingly, we direct that in the event of arrest the petitioner nos.2 & 3 namely, **Selim Sk. @ Md. Selim Ali Mondal and Sweet Mondal @ Jubair Rahaman**, shall be released on bail upon furnishing a bond of Rs.2,000/- each, with one registered surety of like amount, to the satisfaction of Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner nos.2 & 3 shall meet the I.O. as and when required till the submission of the final report.
10. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
11. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)