

04.01.2024

Serial no. 74

Anticipatory bail

[Allowed]

Dd

CRM (A) 4496 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Baishnabnagar** Police Station Case No. **528** of **2023** dated **05.08.2023** under Sections **417/376/506/34** of the Indian Penal Code, 1860.*

(G.R. Case No. 5280/2023)

-And-

*In the matter of : **Nurul Sk***

*... .. **Petitioner***

*Mr. Imtiaz Ahmed,
Ms. Ghazala Firdous,
Mr. Sk. Saidullah,
Mr. Mithun Mondal,
Mr. Md. Arsalan, Advocate
... .. For the Petitioner*

*Mr. Sudip Kumar, Advocate
... ..For the State*

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary. We find that the de facto complaint recorded a statement under Section 164 of the Criminal Procedure Code where, she acknowledges that she was in a relationship with the petitioner over a period of time.

Both the petitioner and the de facto complainant are adults.

There is an allegation of the petitioner taking intimate pictures and uploading the same in the social media.

In such circumstances, petitioner will surrender his mobile phone forthwith to the Investigating Officer who shall seize the same.

In such circumstances, we confirm the interim order granted on October 16, 2023.

Consequently, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4496 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

