

09.01.2024

214
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4773 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dhubulia** Police Station Case No. **412** of **2023** dated **17.08.2023** under Section **306** of the Indian penal Code.
And

In Re : Biraj Mondal

..... petitioner

Mr. Snehansu Majumder

....for the petitioner

Mr. S.S. Imam

Mr. Rajesh Jana

...for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 17, 2023 passed by the Coordinate Bench.

By such order dated October 17, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We perused the materials in the case diary.

Apparently, the victim committed suicide.

Apparently both the petitioner and the victim were in a relationship. There are allegations that the petitioner used to blackmail the victim with the threat of making public intimate video of the victim.

In such circumstances, the petitioner will surrender his mobile phone forthwith with the Investigating Officer.

We deem it appropriate to confirm the interim order dated October 17, 2023.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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. The petitioner will meet before the Investigating Officer once a fortnight till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

