

20.12.2024

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Allowed

C.R.M. (A) No. 4401 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Marishda Police Station Case No. 385 of 2024 dated 06.11.2024 under Sections 376/384/506 of the Indian Penal Code.

And

In Re : Srikrishna Barik petitioner

Mr. Sudip Banerjee

Ms. Keya Nag Banerjee

.....for the petitioner

Ms. Baisali Basu

Mr. Samarjit Balial

.. ...for the State

Mr. Mazhar Hossain Chowdhury

..... for the de facto complainant

1. Learned Counsel for the petitioner submits victim is a major lady and she has been falsely implicated the petitioner. He prays for anticipatory bail.

2. Learned Counsel for the State and *de facto* complainant oppose the prayer for anticipatory bail and submit petitioner had blackmailed victim by threatening to upload her obscene pictures.

3. We have considered the materials on record including statement of the victim. She alleged on 25.09.2023 she was forcibly raped. However, no contemporaneous document was filed. It was also contended that she had been blackmailed by threatening her obscene pictures would be

uploaded. However, no obscene pictures have been placed on record. Keeping in mind the aforesaid facts, we are of the opinion custodial interrogation for progress of investigation is not necessary but petitioner requires to co-operate with investigation in accordance with law.

4. 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date and on further conditions that he shall hand-over mobile phone owned by him or in his control for forensic analysis and report to the investigating officer once in a week until further orders.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)