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[ALLOWED]

C. R. M. (A) 4661 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ranitala Police Station Case No. 674 of 2024 dated 04.09.2024 under Sections 419/420/376/506 of the Indian Penal Code.

In Re: ***Md. Kamrej Zamal @ Kamrejjaman Sk @ Jamal Sk. @ Milan Sk.***

... .. Petitioner

Mr. Kumar Jyoti Tewari,
Mr. Manas Kr. Das,
Mr. Aritra Kr. Thokdar.

... .. for the Petitioner

Mr. Kaushik Biswas,
Mr. Subhasish Datta.

... .. for the State

Mr. Bibaswan Bhattacharya.
...for the de-facto complainant.

1. Petitioner contends victim is a married lady. He advanced a sum of Rs.4 lakhs to the victim. Victim issued account payee cheques to repay the money. When the cheques were dishonoured, she falsely implicated the petitioner in the case. Allegation that petitioner personated as a superior police officer and cohabited with her is out and out false. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail.

3. Learned Advocate for the de-facto complainant contends petitioner had forced the victim to sign various documents and blackmailed her by threatening her objectionable pictures would

be circulated. As a result, she was compelled to cohabit with him.

4. Petitioner contends he had advanced a loan to the de-facto complainant-victim. She partly paid the money through cash transfers and partly by postdated cheques. The cheques upon being presented were dishonoured. When petitioner demanded money, in retaliation she lodged the present case.

5. We have examined the statement of the victim in light of the aforesaid submission. Victim stated petitioner personated as a police personnel and assisted her in a criminal case registered in respect of abduction of her daughter. He had taken money from her and on the threat of circulating objectionable pictures cohabited with her. However, her statement is silent with regard to the circumstances in which post dated cheques came to be handed over to the petitioner. This lacuna of the prosecution case needs to be addressed at the appropriate stage of the proceeding. However, possibility of false implication owing to dishonour of cheques issued by the de-facto complainant cannot be ruled out. Investigation with regard to threat of circulation of offensive videos may not require custodial interrogation but forensic analysis of his mobile device.

6. Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.

7. Accordingly, we direct that in the event of arrest, the petitioner 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 subject to the

conditions as laid down under Section 482(2) of the BNSS and on further condition petitioner while on bail shall meet the Investigating Officer once in a week until further orders. He shall handover his mobile phone for forensic analysis within 48 hours and he shall not enter Ranitala Police Station except for investigational purposes until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

8. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)