

10.01.2025
11.
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 4672 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Amdanga Police Station Case No. 813 of 2024 dated 25.11.2024 under Sections 64/77/351(2) of BNS.

And

In Re: **Biplab Biswas.**

... .. Petitioner

Mr. Niladri Sekhar Ghosh,
Mr. Sourav Mondal,
Ms. Labani Sikder,
Mr. Rony Mondal,
Mr. Souvik Dey.

.... for the petitioner

Ms. Sujata Das,
Ms. Suruchi Saha.

.... for the State

Mr. Debasis Kar,
Mr. Husen Mustafi,
Ms. Jagori Mitra.

... for the de facto complainant

1. Petitioner contends he had advanced money to the victim's husband in respect of a sale transaction. Money was not refunded. He lodged complaint. In retaliation the present case has been lodged. 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 submits petitioner had taken objectionable pictures in his mobile and alleged he would circulate them in social media. On such threat he cohabited with her. He also contends the petitioner's complaint was subsequently lodged.

4. We have considered the materials on record including the statement of the victim. Victim contended petitioner had blackmailed her by threatening to circulate objectionable pictures and cohabited with her. However, petitioner contends victim's husband had taken money from the petitioner for a sale transaction but did not return it. In light of the aforesaid circumstances possibility of false implication cannot be ruled out. Though custodial interrogation is not necessary, progress of investigation requires forensic analysis of the mobile device of the petitioner.

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

6. Accordingly, we direct that in the event of arrest, the petitioner viz., **Biplab Biswas** 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition petitioner while on bail shall not enter the jurisdiction of Amdanga Police Station except for the purpose of attending court proceeding and shall provide the address where he shall presently residing to the investigating agency and to the trial Court and shall report to the Officer-in-Charge of the police station concerned where he shall presently residing once in a week until further orders. He shall hand over his mobile phone to the investigating agency for forensic analysis. He shall appear

before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)