

05.01.2023  
Sl. No.8  
akd  
[PARTLY  
ALLOWED]

**C. R. M. (DB) 4614 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.11.2022 in connection with Malda Cyber Crime Police Station Case No. 56 of 2022 dated 01.12.2022 under Sections 498A/323/324/325/307/34 of the Indian Penal Code read with Sections 66C/66E/67/67A of the Information & Technology Act and Sections 3/4 of the Dowry Prohibition Act.

And

In Re: ***Md. Hossain @ Md. Hassain & Ors.***

... .. Petitioners

Mr. Mrityunjoy Chatterjee  
Mr. Samrat Paul  
Mr. Debapriya Majumder

... .. for the petitioners

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 22 days. It is further submitted petitioners have been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. It is alleged petitioner no.2-husband had uploaded objectionable pictures of his wife on a pornography site. Investigation in that regard is in progress.

Hence, we are not inclined to grant bail to petitioner no.2 namely, **(2) Humayun Kabir** at this stage.

However, in view of the extent of complicity of petitioner nos.1 & 3 in the alleged crime, we are of the opinion further detention of the accused/petitioner nos.1 & 3 is not necessary.

Therefore, the accused/petitioner nos.1 & 3 namely **(1) Md. Hossain @ Md. Hassain & (3) Md. Ejaj Ahamed**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local,

to the satisfaction of the learned Chief Judicial Magistrate, Malda subject to condition that the said petitioner nos.1 & 3 shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail is thus disposed of.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**