

23.08.2022

03

Ct. No. 29

KAUSHIK

REJECTED

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

C.R.M.(A) 701 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Siliguri** Police Station Case No. **438 of 2022** dated **07.05.2022** under Sections 354C/376/384/506/120B of the Indian Penal Code, 1860 and Sections 66E/67A of the Information Technology Act.

And

In Re : Sabita Paul @ Smt. Sabita Paul

..... petitioner

Mr. Sourav Chatterjee
Mr. R. N. Bandyopadhyay
Mr. Satadru Lahiri
Mr. Safdar Alam
Mr. Bikash Singh

....for the petitioner

Mr. Aditi Shankar Chakraborty, Id. Addl. Public Prosecutor
Mr. Ujjwal Liksom

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The petitioner is of advanced age. The petitioner was not instrumental in transmitting any offensive photograph. The mobile used by the petitioner stands in the name of her husband.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, the husband of the petitioner recorded a statement under Section 164 of the Code of Criminal Procedure

(Cr.P.C.), where he claims that, the petitioner was using the SIM card registered in his name. Such SIM card was used for transmitting the offensive materials.

In view of the materials in the case diary implicating the petitioner in the incident and the 164 Cr.P.C. statement of her husband, we are unable to grant anticipatory bail to the petitioner.

Accordingly, prayer for anticipatory bail of the petitioner is rejected and the application being CRM (A) 701 of 2022 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)