

30.08.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 4127 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dhantala** Police Station Case No. **415** of **2021** dated **02.09.2021** under Sections 420/376/341/506 of the Indian Penal Code, 1860 and under Sections 66E/67 of the Information Technology Act.

And

In Re : Asit Roy

..... petitioner

Mr. Tapan Dutta Gupta

Mr. Sayantan Hazra

....for the petitioner

Ms. Zareen N. Khan

Mr. Arup Sarkar

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statement of the de-facto complainant recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) as also to her medical examination report.

In her 164 Cr.P.C. statement, the de-facto complainant states that, the petitioner blackmailed her by using the videography made by the petitioner into a physical relationship.

The police complaint was lodged at least two months after the relationship.

The de-facto complainant was examined after the lodgment of the police complaint. In the medical examination report, the doctor records that the de-facto complainant was also in a physical relationship with her husband.

The petitioner and the de-facto complainant are adults. Apparently, they came to know each other in the social media platform. At this stage, the possibility of the petitioner being falsely implicated cannot be ruled out.

The de-facto complainant as an adult was expected to know the consequences of the physical relationship.

There is an allegation against the petitioner of taking videography of the de-facto complainant.

In such circumstances, it would be appropriate to direct the petitioner to surrender his mobile phone forthwith to the Investigating Officer. We grant anticipatory bail to the petitioner.

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 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once a fortnight

till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)