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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 783 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 22.12.2022 in connection with Malbazar Police Station Case No. 894 of 2022 dated 27.11.2022 under Section 354 of the Indian Penal Code read with Section 67A of the Information Technology Act.

In the matter of : Md. Hafiz

... petitioner

Mr. Sudip Guha

...for the petitioner

Mr. Abhijit Sarkar,
Mr. Biswarup Roy

.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner contends that the petitioner married the victim lady in the month of February, 2022. Subsequently, the victim lady left the matrimonial house on July 20, 2022. Ultimately, *Talaqnama* was filed between the parties on September 15, 2022. Subsequently, to mete out revenge, the present allegations have been made against the petitioner. It is, thus, submitted that the petitioner is entitled to get anticipatory bail.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits, by placing reliance

on several documents, which are part of the Case Dairy, that the petitioner has been making posts on social media, thereby uploading indecent and compromising photographs of the victim lady. If anticipatory bail is granted, the State apprehends that the same offence may be repeated by the petitioner.

Although the allegations are denied by the petitioner, the same is the subject-matter of investigation as yet. As such, we do not find any reason to grant anticipatory bail to the petitioner at the present stage.

Accordingly, CRM (A) 783 of 2022 is dismissed.

However, the petitioner will be at liberty to approach jurisdictional trial court and upon surrendering there, may pray for bail.

If so approached, the trial court shall decide the issue independently without being prejudiced by the present refusal.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)