

22.09.2020
D.L.No.26
Bpg.
Allowed.

**CRM 6494 of 2020
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Matelli Police Station Case No.29 of 2020 dated 28.02.2020 under Sections 448/376/323/506/34 of the Indian Penal Code, 1860.

And

In the matter of: **Sankar Oraon @ Shankar Oraon.**
...Petitioner.

Mr. Hillol Saha Podder ...for the Petitioner.

Mr. Ujjal Lakshman
Mr. Aniruddha Biswas
...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that a long-standing boundary dispute with a neighbour has culminated in a false charge of rape.

According to the statement of survivor recorded under Section 164 of the Code, she was raped by the petitioner. However, the complaint was lodged a week later. The State says that such a delay in the Indian context should not be regarded as significant.

It also appears that no injury was suffered by the survivor, as per the medical report.

Considering the nature of the charges, the age of the survivor and the fact that there may have been a long-standing boundary dispute between the families, there may not be any need to take the petitioner into custody at this stage as long the petitioner does not

enter any place within the jurisdiction of Matelli Police Station or attempt to make any contact with the survivor.

Subject to the above, in the event of arrest, the petitioner will be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer. The petitioner will also comply with the conditions laid down in Section 438(2) of the Code.

CRM 6494 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)