

**CRM 8739 of 2020
(Via Video Conference)**

In re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sitalkuchi P.S. Case No. 109 of 2020 dated 16.08.2020 under Sections 417/376/109 of the Indian Penal Code.

In the matter of : **Susanta Barman**

..... petitioner

Mr. Hillol Saha Podder

....For the petitioner

**Mr. Arun Sarkar
Mr. Abhijit Sarkar**

.....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 says that a completely false case has been brought against the petitioner.

According to the State, the petitioner who is 20 years old coerced the 32-year-old survivor to submit to the petitioner's sexual overtures under the threat of maiming the survivor's husband otherwise. The State seeks to rely on the statement of the survivor in the case record.

The complaint pertains to an incident in August, 2020. The complaint was lodged some six days later.

Considering the nature of the complaint and the twist to the matter as sought to be given by the State, there appears to be considerable room for doubt.

Considering the petitioner's age, the custodial interrogation of the petitioner may not be necessary as long as he does not attempt to contact the survivor in any manner whatsoever.

Subject to the above, in the event of arrest, the petitioner should be released on furnishing security of Rs.10,000/- (Rupees ten thousand) with two sureties of like amount each, 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 8739 of 2020 is disposed of.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)